

Addendum

7

CASE NUMBER: UV 10-12 **L.U.C.B. MEETING:** May 12, 2011

LOCATION: North side corner of Tant Road and Interstate 240

COUNCIL DISTRICT: 1

SUPER DISTRICT: 9

OWNER OF RECORD / APPLICANT: Brianne K. Mawry

REPRESENTATIVE: Kevin Farmer

REQUEST: Contractor Storage and Recycling

AREA: 3.2 Acres

EXISTING LAND USE & ZONING: Single Family Residential (R-6) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Rejection

Staff Writer: Gregory Love

Email: gregory.love@memphistn.gov

CONCLUSIONS

The site is a 3.2 acre site and is somewhat isolated as it is situated at the most northern terminus of Tant Road. The site is flanked to the north by Interstate 40 and vacant land to the east. Although the site is zoned residential and is occupied with a single family structure which serves as the primary residence of the applicant, the location and size of the subject site are unusual when compared to surrounding properties.

This case was presented to the Land Use Control Board on April 14, 2011, the Board voted unanimously to hold the case for 30 days. The purpose of the hold was to provide OPD staff the opportunity to draft conditions that would address concerns from the community while allowing the proposed use to continue. These conditions were also intended to minimizing any negative affects to the surrounding area.

At the time of the Board meeting this office had received one letter in opposition to this case, however, there was an additional letter of opposition received that has been reviewed by staff and added to the file. The concerns of both residents in opposition were primarily: 1. Noise from trucks, 2. Dust, dirt and debris, 3. Disturbance of truck traffic on residential streets, 4. Potential of decreasing property value as a result of the proposed land use.

Finally, this office also received information documenting that the subject property was sited by the Tennessee Department of Environmental Conservation for the presence of prohibited construction debris on site.

The attached conditions are intended to address community concerns, however our recommendation remains rejection.

Conditions

1. This Use Variance shall expire in 8 years; however, the applicant shall have the opportunity to apply for renewal.
2. There will be a maximum of 5 dump truck or heavy vehicle trips per day (one trip consists of a dump truck or other heavy vehicle leaving and returning to the site with or without a load)
3. Only Rawdon Road shall be used to enter and exit the site for all dump truck and heavy vehicle trips, with or without a load. The dedicated rout for all dump truck and heavy vehicle trips shall be Rawdon Road to Jackson Avenue.
4. A "wash out" area (gravel base with access to water spigot) shall be installed on the site. All trucks with excessive mud, debris, etc. shall be cleaned as to prevent shedding and littering of public streets and right-of-way. The wash out area shall be illustrated on the site plan and meet the approval of OPD.
5. This site and related activity shall comply with all Tennessee Department of Environmental Conservation standards.
6. A detailed landscaping plan shall be submitted illustrating appropriate screening for residential property to the south and along the frontage of the subject site at Tant Road. All landscape improvement shall be approved by OPD.
7. Operating hours, to include all proposed activity relating to Contractor Storage and Recycling shall be limited to occur between the hours of 7:00am and 6:00pm.
8. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
9. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

UV 10-12 Tant Road

Letters of Opposition

1. Ms. Vera Atkins
4139 Burrow Avenue
Memphis TN, 38128
2. Mr. Ron Shelton
4193 Burrow Avenue – property adjacent to the subject site
Memphis TN, 38128

March 27, 2011

The Memphis and Shelby County Land Use Control Board
C/O Memphis and Shelby County Office of Planning and Development
125 Main Street, Room 468
Memphis, Tennessee 38103

Dear Distinguished Members of the Memphis and Shelby County Land Use Control Board,

I would have liked to voice my concerns at the hearing concerning case number UV 10-12, but due to my advanced age, I am unable to attend like many of my neighbors who live in this neighborhood.

Presently, the parcel in question is zoned single family residential, as is the rest of the neighborhood nearby. I am concerned that if the parcel in case UV 10-12 at the north side corner of Tant Road and Interstate 240 is zoned differently, it will affect my neighborhood. The new zoning is asked by the owner of the property, so that it can be used as a dump for old home material scrap. This will affect me and my neighborhood in the following ways:

1. Increase in pollution, due to dump trucks coming back and forth down Tant Road.
2. Increase in noise pollution.
3. It will decrease our property values.
4. Possibility of hazardous waste such as asbestos from older homes being dumped there.
5. An eyesore and blight to a tranquil, peaceful neighborhood.

I and many of my neighbors have lived in this quiet neighborhood for over 60 years and would like to finish our lives in the enjoyment that we have always had.

Please do not allow our neighborhood to change for the worse. Please keep the parcel in question zoned as single residential.

Sincerely,



Mrs. Vera Atkins
4139 Burrow Avenue
Memphis, TN 38128

Memphis and Shelby County Office
of Planning and Development
125 N. Main St, Rm 468
Memphis, TN 38101

Re: Case Number UV 10-12

April 27, 2011

To: Gregory Love

Please accept this as my formal opposition to the request made by Brianne Mawry and Kevin Farmer in the above referenced Case regarding contractor storage and recycling on the land next door to mine.

I would like to point out that 'things are not as they seem' with regard to the property and the use of the land for the past many years. The land has been used for refuse disposal, a landfill. Charles Farmer is the primary abuser of the property. He will dig very large holes and bury any sort of refuse that he has been paid to deconstruct/haul away. He uses dump trucks and other large equipment such as backhoes to bury the refuse. This is mostly within 50 to 100 feet of my back door.

I have to put up with a lot of noise, at anytime of the day or night. There is a lot of dirt, dust, mud and diesel fumes. His equipment tracks dirt and mud into and down the street and the right-of-way, Burrow Ave., which is also my drive way.

I feel safe in saying that there is no intention of only using the land to 'Store or recycle' anything. It would continue to be used as a landfill. I would ask a question here – Who is the contractor? Who is the business owner? Who holds the business license? Do they pay taxes? Are property taxes paid on the property? Brianne Mawry is the property owner because Charles Farmer Quit Claimed the property to her name. Charles Farmer is behind everything here – like I said 'things are not as they seem'. I'm sure there is some reason that you will not find any property in his name. He has changed the name on other property also.

Several years ago I had an appraisal done on my property at 4193 Burrow Ave. The appraiser put in the appraisal that there was a landfill next door to the property and included a photograph. I feel that if the decision is made to allow this business to continue to operate next door to me, that someone will owe me the difference in what my property would have been worth without the landfill next door, approximately \$50,000.00, I guess that would be the City of Memphis.

Ron Shelton, CPP

4193 Burrow Ave., Memphis, TN 38128

901.481.6739

I was never notified of the Hearing on April 14, 2011. I'm not sure how that can be when I am the only adjacent property owner. I only know about this because I have harassed Mr. Steve Shular constantly for months and he is very good about replying to me emails.

In my position of employment at St. Jude Children's Research Hospital, I may not be able to attend the Memphis City Council Meeting on May 12, 2011. In my absence, please enter this letter of opposition to the Special Use Permit.

To the Memphis City Council I ask – "Would you want this next door to you?"

Thank-you very much for your help with this issue.

Sincerely,



Ron Shelton, CPP
rshelton9@aol.com
901.481.6739



SUMMARY APPRAISAL REPORT

OF THE REAL PROPERTY LOCATED AT

4193 BURROW AVE.
M E M P H I S, TN 38128-6353

for

PORFOLIO HOME MORTGAGE CORP.
2500 CITY WEST BLVD. #525
HOUSTON, TX 77042

as of

JULY 10, 2008

by

CHARLES ALDRIDGE
7314 Blenheim Lane
Memphis, TN 38125

Midway Appraisals

Midway Appraisals
7314 Blenheim Lane
Memphis, TN 38125
901-752-0024

July 12, 2008

PORFOLIO HOME MORTGAGE CORP.
2500 CITY WEST BLVD. #525
HOUSTON, TX 77042

Property - 4193 BURROW AVE.
MEMPHIS, TN 38128-6353
Borrower - SHELTON, RON
File No. - 4193BUR
Case No. -

Dear MR. SUHANDA:

In accordance with your request, I have prepared an appraisal of the real property located at 4193 BURROW AVE.,
MEMPHIS, TN.

The purpose of the appraisal is to provide an opinion of the market value of the property described in the body of
this report.

Enclosed, please find the Summary Report which describes certain data gathered during our investigation of the
property. The methods of approach and reasoning in the valuation of the various physical and economic factors of
the subject property are contained in this report.

An inspection of the property and a study of pertinent factors, including valuation trends and an analysis of
neighborhood data, led the appraiser to the conclusion that the market value, as of JULY 10, 2008 is :

\$135,000

The opinion of value expressed in this report is contingent upon the Limiting Conditions attached to this report.

It has been a pleasure to assist you. If I may be of further service to you in the future, please let me know.

Respectfully submitted,

Midway Appraisals



CHARLES ALDRIDGE
TN Certification #CR1382

Uniform Residential Appraisal Report

File # 4193BUR

The purpose of this summary appraisal report is to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property.

Property Address **4193 BURROW AVE.** City **MEMPHIS** State **TN** Zip Code **38128-6353**
 Borrower **SHELTON, RON** Owner of Public Record **Shelton,RonaldK/Rivera,VictorM.** County **SHELBY**
 Legal Description **LOT#SS BURROW AVE. 200FT. E. OF TANT RD.**
 Assessor's Parcel # **088035 00030** Tax Year **2008** R.E. Taxes \$ **1,625.42**
 Neighborhood Name **JACKSON BLVD.** Map Reference **5** Census Tract **89**
 Occupant Owner Tenant Vacant Special Assessments \$ **NONE** PUD HOA \$ **N/A** per year per month
 Property Rights Appraised Fee Simple Leasehold Other (describe)
 Assignment Type Purchase Transaction Refinance Transaction Other (describe)
 Lender/Client **PORTFOLIO HOME MORTGAGE CORP.** Address **2500 CITY WEST BLVD. #525, HOUSTON, TX 77042**
 Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of the appraisal? Yes No
 Report data source(s) used, offering price(s), and date(s). **MLS**

C O N T R A C T

I did did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed. **THIS A REFINANCE TRANSACTION.**

Contract Price \$ **REFI** Date of Contract **N/A** Is the property seller the owner of public record? Yes No Data Source(s) **Public Records**
 Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower? Yes No
 If Yes, report the total dollar amount and describe the items to be paid: **THIS A REFINANCE TRANSACTION.**

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood Characteristics				One-Unit Housing Trends				One-Unit Housing			Percent Land Use %
Location	<input checked="" type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	PRICE	AGE	One-Unit	95 %
Built-Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%	Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	\$(000)	(yrs)	2-4 Unit	%
Growth	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Slow	Marketing Time	<input type="checkbox"/> Under 3 mths	<input checked="" type="checkbox"/> 3-6 mths	<input type="checkbox"/> Over 6 mths	30	Low	25 Multi-Family	2 %
Neighborhood Boundaries	YALE RD. ON THE NORTH, BERKSHIRE AVE. ON THE SOUTH, JOHN F. KENNEDY PARK TO THE EAST AND N. HIGHLAND RD. TO THE WEST.						75	High	70	Commercial	3 %
Neighborhood Description	THE SUBJECT IS LOCATED IN A RESIDENTIAL AREA WHERE MAINTENANCE AND CARE OF INDIVIDUAL PROPERTIES IS AVERAGE. THE SUBJECT IS LOCATED WITHIN ADEQUATE PROXIMITY TO SCHOOLS, SHOPPING AND EMPLOYMENT AREAS. EASY ACCESS TO I-40 APPROXIMATELY 60 YARDS NORTH-NORTHEAST.										

Market Conditions (including support for the above conclusions) ***** See Additional Comments *****

Dimensions **430 X 225** Area **32,234 SQ. FT.** Shape **RECTANG.** View **URBAN**
 Specific Zoning Classification **RESIDENTIAL SGL. FAM.** Zoning Description **RSMW = (MULTIPLE DWELLING RESIDENTIAL)**
 Zoning Compliance Legal Legal Nonconforming (Grandfathered Use) No Zoning Illegal (describe)
 Is the highest and best use of the subject property as improved (or as proposed per plans and specifications) the present use? Yes No If No, describe

S I T E

Utilities	Public	Other (describe)	Public	Other (describe)	Off-site Improvements—Type	Public	Private
Electricity	<input checked="" type="checkbox"/>		Water	<input checked="" type="checkbox"/>	Street	ASPHALT	<input checked="" type="checkbox"/>
Gas	<input checked="" type="checkbox"/>		Sanitary Sewer	<input checked="" type="checkbox"/>	Alley	NONE	<input type="checkbox"/>

FEMA Special Flood Hazard Area Yes No FEMA Flood Zone FEMA Map No. **470177 0285F** FEMA Map Date **2007-09-28**
 Are the utilities and off-site improvements typical for the market area? Yes No If No, describe
 Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)? Yes No If Yes, describe
THIS SUBJECT'S SITE IS TYPICAL FOR THE AREA: INTERSTATE -40 AND COMMERCIAL (TRUCKING -TRACTOR) ACTIVITY ADJACENT TO THE SUBJECT. LANDSCAPING IS SATISFACTORY AND NO ADVERSE EASEMENTS OR ENCROACHMENTS WERE NOTED. APPRAISER NOT EXPERT ON ENVIRONMENTAL ISSUES.

General Description		Foundation		Exterior Description		Interior	
Units	<input checked="" type="checkbox"/> One <input type="checkbox"/> One with Accessory Unit	<input type="checkbox"/> Concrete Slab	<input checked="" type="checkbox"/> Crawl Space	Foundation Walls	CONCRETE / AVG.	Floors	HWD/VIN/AVG.
# of Stories	1	<input checked="" type="checkbox"/> Full Basement	<input type="checkbox"/> Partial Basement	Exterior Walls	STONE/AVG.	Walls	DRYWALL/AVG.
Type	<input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/> S-Det/End Unit	Basement Area	2,072 sq. ft.	Roof Surface	COMP. SHG. /AVG.	Trim/Finish	WOOD/AVG.
<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Under Const.		Basement Finish	24 %	Gutters & Downspouts	ALUM / AVG.	Bath Floor	CERM/AVG.
Design (Style)	TRAD. / 1 STY	<input checked="" type="checkbox"/> Outside Entry/Exit <input type="checkbox"/> Sump Pump		Window Type	ALUM / AVG.	Bath Wainscot	CER-DW/AVG.
Year Built	1945	Evidence of <input type="checkbox"/> Infestation		Storm Sash/Insulated	ALUM / AVG	Car Storage	<input type="checkbox"/> None
Effective Age (Yrs)	30	<input type="checkbox"/> Dampness <input type="checkbox"/> Settlement		Screens	WIRE MESH / AVG.	<input checked="" type="checkbox"/> Driveway # of Cars	2
Attic	<input type="checkbox"/> None	Heating	<input checked="" type="checkbox"/> FWA <input type="checkbox"/> HWBB <input type="checkbox"/> Radiant	Amenities		WoodStove(s)#	
<input type="checkbox"/> Drop Stair <input checked="" type="checkbox"/> Stairs	<input type="checkbox"/> Other	Fuel	GAS	<input checked="" type="checkbox"/> Fireplace(s) # 1	<input checked="" type="checkbox"/> Fence C-LK	Garage # of Cars	
<input type="checkbox"/> Floor <input type="checkbox"/> Scuttle	Cooling	<input checked="" type="checkbox"/> Central Air Conditioning		<input type="checkbox"/> Patio/Deck	<input checked="" type="checkbox"/> Porch FRT-RR	<input checked="" type="checkbox"/> Carport # of Cars	2
<input type="checkbox"/> Finished <input type="checkbox"/> Heated	<input type="checkbox"/> Individual <input type="checkbox"/> Other	NONE		<input type="checkbox"/> Pool	<input type="checkbox"/> Other	<input checked="" type="checkbox"/> Att. <input type="checkbox"/> Det. <input type="checkbox"/> Built-in	

Appliances Refrigerator Range/Oven Dishwasher Disposal Microwave Washer/Dryer Other (describe) **STV. VENT-HOOD**

Finished area **above** grade contains: **7** Rooms **4** Bedrooms **2** Bath(s) **2,631** Square Feet of Gross Living Area Above Grade
 Additional features (special energy efficient items, etc.) **FEATURES INCLUDE: IRON SECURITY DOORS, CEILING FANS, CENTRAL HEAT/AIR, AND (1) FIREPLACE.**
 Describe the condition of the property (including needed repairs, deterioration, renovations, remodeling, etc.). **THE SUBJECT HAS NORMAL PHYSICAL DEPRECIATION WITH NO FUNCTIONAL, BUT SOME EXTERNAL OBSOLESCENCE DUE TO ADJACENT COMMERCIAL ACTIVITY AND I-40. THERE WERE NO DEFICIENCIES NOTED. THE SUBJECT IS IN AVERAGE CONDITION.**

Are there any physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property? Yes No If Yes, describe
THERE WERE NO PHYSICAL DEFICIENCIES OR ADVERSE CONDITIONS OBSERVED AT THE TIME OF THE APPRAISAL INSPECTION THAT WOULD AFFECT THE LIVABILITY OR SOUNDNESS OF THE SUBJECT PROPERTY.

Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)? Yes No If No, describe



Uniform Residential Appraisal Report

File # 4193BUR

There are N/A comparable properties currently offered for sale in the subject neighborhood ranging in price from \$ N/A to \$ N/A
 There are N/A comparable sales in the subject neighborhood within the past twelve months ranging in sale price from \$ N/A to \$ N/A

FEATURE	SUBJECT	COMPARABLE SALE # 1	COMPARABLE SALE # 2	COMPARABLE SALE # 3
4193 BURROW AVE.	3002 MAGEVNEY ST.	3040 WOODHILLS DR.	3855 LAKEWOOD DR. N.	
Address	MEMPHIS, TN 38128	MEMPHIS TN. 38128	MEMPHIS TN. 38128	MEMPHIS TN. 38128
Proximity to Subject	1.23 miles N	1.50 miles NW	2.04 miles N	
Sale Price	\$ <u>REFINANCE</u>	\$ <u>135,000</u>	\$ <u>150,000</u>	\$ <u>166,000</u>
Sale Price/Gross Liv. Area	\$ <u>57.01</u> sq. ft.	\$ <u>52.47</u> sq. ft.	\$ <u>54.07</u> sq. ft.	\$ <u>57.94</u> sq. ft.
Data Source(s)	MLS / CHANDLER		MLS / CHANDLER	
Verification Source(s)	ASSESSOR		ASSESSOR	
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-)\$ Adjustment	DESCRIPTION
Sale or Financing Concessions		98F \$5,000		CASH SALE NONE LISTED
Date of Sale/Time		6/11/2008		12/20/2007
Location	Jackson Blvd/Avg	Raleigh Manor/Sup	-15,000	Lakewood Hills/Sup
Leasehold/Fee Simple	FEE SIMPLE	FEE SIMPLE		FEE SIMPLE
Site	2.22 ACRES	0.42 ACRES	+10,000	0.86 ACRES
View	URBAN	RESL / AVG.		RESL / AVG.
Design (Style)	TRAD. / 1 STY	TRAD. / 1 STY		TRAD. / 1.5 STY
Quality of Construction	STONE/AVG.	WOOD/AVG.	+1,000	BVHB/AVG.
Actual Age	A63/E30	31 YRS.		48 YRS.
Condition	AVERAGE	AVERAGE		AVERAGE
Above Grade	Total Bdrms. Baths	Total Bdrms. Baths	+500	Total Bdrms. Baths
Room Count	7 4 2	7 3 2		9 4 2
Gross Living Area	2,631 sq. ft.	2,573 sq. ft.	+1,160	2,774 sq. ft.
Basement & Finished Rooms Below Grade	2072 sq. ft. 497 sq. ft.	NONE LISTED	+2,500	NONE LISTED
Functional Utility	AVERAGE	AVERAGE		AVERAGE
Heating/Cooling	FWA-CAC	FWA-CAC		FWA-CAC
Energy Efficient Items	MODERATE	SIMILAR		SIMILAR
Garage/Carport	2CD-CARPORT	3CA-GARAGE	-1,500	DRIVEWAY
Porch/Patio/Deck	PCH/NONE/NO	SIMILAR		SIMILAR
KITCHEN APPLI	BUILT-INS	BUILT-INS		BUILT-INS
FIREPLACE	1-FIREPLACE	1-FIREPLACE		2-FIREPLACES
Net Adjustment (Total)			\$ -1,340	
Adjusted Sale Price of Comparables		Net Adj. 0.99 % Gross Adj. 23.45 %	\$ 133,660	Net Adj. 4.24 % Gross Adj. 21.57 %
			\$ 143,640	Net Adj. 9.14 % Gross Adj. 18.78 %
			\$ 150,820	

did not research the sale or transfer history of the subject property and comparable sales. If not, explain

My research did did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

Data Source(s) MLS/MAAR-DATA CHANDLER, SHELBY COUNTY ASSESSOR & REGISTER OF DEEDS.

My research did did not reveal any prior sales or transfers of the comparable sales for the prior year to the date of sale of the comparable sale.

Data Source(s) MLS/MAAR-DATA CHANDLER, SHELBY COUNTY ASSESSOR & REGISTER OF DEEDS.

Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).

ITEM	SUBJECT	COMPARABLE SALE # 1	COMPARABLE SALE # 2	COMPARABLE SALE # 3
Date of Prior Sale/Transfer	NO PRIOR SALES/TRSF	NO PRIOR SALE/TRAN	NO PRIOR SALE/TRAN	NO PRIOR SALE/TRAN
Price of Prior Sale/Transfer	WITHIN LAST 36 MOS.	WITHIN LAST 12 MOS.	WITHIN LAST 12 MOS.	WITHIN LAST 12 MOS.
Data Source(s)	MLS/CHAN/REGIS.	MLS/CHAN/REGIS.	MLS/CHAN/REGIS.	MLS/CHAN/REGIS.
Effective Date of Data Source(s)	7/10/2008	7/10/2008	7/10/2008	7/10/2008

Analysis of prior sale or transfer history of the subject property and comparable sales **THERE WERE NO PRIOR SALES OR TRANSFERS WITHIN THE LAST 36 MONTHS FOR THE SUBJECT, NOR WITHIN THE LAST 12 MONTHS FOR THE COMPARABLES.**

Summary of Sales Comparison Approach **ALL COMPS IN THIS REPORT ARE THE MOST RECENT CLOSED SALES LOCATED WITHIN A (2) MILE RADIUS IN SUPERIOR LOCATIONS WITH SIMILAR SIZE HOMES AS THE SUBJECT. DUE TO THE SUBJECT BEING LOCATED IN A LOWER PRICED (30K-70K) NEIGHBORHOOD; EXISTING COMMERCIAL ACTIVITY (TRACTORS / TRUCKING) ADJACENT TO THE SUBJECT TO THE EAST; & I-40 NEARBY, LOCATION ADJUSTMENTS WERE WARRANTED. THERE WERE NO RECENT SIMILAR COMP SALES WITH SIMILAR EXTERNALITIES OR ACREAGE. ALTHOUGH A BUFFER (TREES) EXIST BETWEEN THE SUBJECT AND INTERSTATE 40, THERE IS SOME LOSS IN VALUE DUE TO THE LOCATION AND SUPERADEQUACY OR THE SUBJECT BEING OVERBUILT FOR THE NEIGHBORHOOD. PROPER ADJUSTMENTS WERE APPLIED FOR ALL VALUE-DRIVEN FEATURES AND/OR DISSIMILARITIES AS RECOGNIZED BY THE CURRENT MARKET. N THE NEIGHBORHOOD. COMP SALES #2&4 EXCEEDS 6 MOS.**

Indicated Value by Sales Comparison Approach \$ **135,000**

Indicated Value by: Sales Comparison Approach \$ **135,000** Cost Approach (if developed) \$ **136,800** Income Approach (if developed) \$ **N/A**

THE MARKET APPROACH BEST REFLECTS THE ACTIONS OF BUYERS AND SELLERS IN THE MARKET PLACE AND IS SUPPORTED BY THE COST APPROACH. THE INCOME IS EXCLUDED AS HOMES IN THE SUBJECT AREA ARE NOT TYPICALLY RENTED.

This appraisal is made "as is," subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed, subject to the following repairs or alterations on the basis of a hypothetical condition that the repairs or alterations have been completed, or subject to the following required inspection based on the extraordinary assumption that the condition or deficiency does not require alteration or repair: **AS-IS APPRAISAL WITH NO DEFERRED MAINTENANCE OR OTHER REQUIRED STIPULATIONS TO DERIVE THE INDICATED VALUE.**

Based on a complete visual inspection of the interior and exterior areas of the subject property, defined scope of work, statement of assumptions and limiting conditions, and appraiser's certification, my (our) opinion of the market value, as defined, of the real property that is the subject of this report is **\$ 135,000**, as of **JULY 10, 2008**, which is the date of inspection and the effective date of this appraisal.

Uniform Residential Appraisal Report

File # 4193BUR

DEFINITION OF INSPECTION:
 THE TERM "INSPECTION", AS USED IN THIS REPORT, IS NOT THE SAME LEVEL OF INSPECTION THAT IS REQUIRED FOR A "PROFESSIONAL HOME INSPECTION". THE APPRAISER DOES NOT FULLY INSPECT THE ELECTRICAL SYSTEM, PLUMBING SYSTEM, MECHANICAL SYSTEMS, FOUNDATION SYSTEM, FLOOR STRUCTURE, OR SUBFLOOR. THE APPRAISER IS NOT AN EXPERT IN CONSTRUCTION MATERIALS & THE PURPOSE OF THE APPRAISAL IS TO MAKE AN ECONOMIC EVALUATION OF THE SUBJECT PROPERTY. IF THE CLIENT NEEDS A MORE DETAILED INSPECTION OF THE PROPERTY, A HOME INSPECTION BY A PROFESSIONAL HOME INSPECTOR IS ENCOURAGED.

DIGITAL SIGNATURES:
 THE SIGNATURE(S) AFFIXED TO THIS REPORT, & CERTIFICATION, WERE APPLIED BY THE ORIGINAL APPRAISER(S) OR SUPERVISORY APPRAISER & REPRESENT THEIR ACKNOWLEDGEMENTS OF THE FACTS, OPINIONS & CONCLUSIONS FOUND IN THE REPORT. EACH APPRAISER(S) APPLIED HIS OR HER SIGNATURE ELECTRONICALLY USING A PASSWORD ENCRYPTED METHOD. HENCE THESE SIGNATURES HAVE MORE SAFEGUARDS & CARRY THE SAME VALIDITY AS THE INDIVIDUAL'S HAND APPLIED SIGNATURE. IF THE REPORT HAS A HAND-APPLIED SIGNATURE, THIS COMMENT DOES NOT APPLY.

INTENDED USE OF THE REPORT:
 THIS APPRAISAL IS INTENDED FOR THE EXCLUSIVE USE OF THE CLIENT SPECIFIED ON THE LENDER/CLIENT LINE LOCATED ON PAGE ONE OF THE URAR REPORT, ITS SUCCESSORS AND/OR ITS ASSIGNS, IN CONSIDERING THE SUBJECT PROPERTY AS COLLATERAL FOR A MORTGAGE LOAN. THE USE OF THE APPRAISAL BY ANYONE OTHER THAN THE STATED INTENDED USER & FOR ANY OTHER USE THAN THE STATED INTENDED USE IS PROHIBITED.

SCOPE OF WORK:
 THE SCOPE OF THIS APPRAISAL INCLUDED THE RESEARCH & COLLECTION OF DATA PERTAINING TO RECENT ECONOMIC DEVELOPMENT & REAL ESTATE SALES IN MEMPHIS, TENNESSEE, PARTICULARLY IN NEIGHBORHOOD AS INDICATED IN THIS APPRAISAL UNDER THE SUBJECT'S LEGAL DESCRIPTION & ITS IMMEDIATE MARKET. THE DATA CONTAINED IN THIS REPORT HAS BEEN COMPILED FROM THE FOLLOWING SOURCES: INSPECTION AND RESEARCH OF THE SUBJECT PROPERTY TO IDENTIFY GROSS LIVING AREA, PHYSICAL CONDITION, & ANY OTHER PHYSICAL, FUNCTIONAL &/OR EXTERNAL FACTORS. RESEARCH OF THE SHELBY COUNTY ASSESSOR'S RECORDS AND REGISTERS RECORDS TO IDENTIFY ASSESSMENTS, TRANSFER ACTIVITY, & OTHER PERTINENT FACTORS. RESEARCH OF CENSUS DATA & OTHER LOCAL MARKET DATA PERTAINING TO THIS SPECIFIC AREA. THE FUNCTION OF THIS APPRAISAL IS TO ASSIST THE CLIENT/LENDER AS INDICATED IN THIS REPORT IN COLLATERAL VALUATION FOR MORTGAGE PURPOSES.

COST APPROACH TO VALUE:
 THE APPRAISER ASSUMES NO LIABILITY FOR & DOES NOT GUARANTEE THAT ANY INSURABLE VALUE ESTIMATE INFERRED FROM THIS REPORT WILL RESULT IN THE SUBJECT BEING FULLY INSURED FOR ANY LOSS THAT MAY BE SUSTAINED. THE APPRAISER RECOMMENDS THAT AN INSURANCE PROFESSIONAL BE CONSULTED.

COST APPROACH TO VALUE (not required by Fannie Mae)
 Provide adequate information for the lender/client to replicate the below cost figures and calculations.
 Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value)

ADEQUATE INFORMATION PROVIDED TO REPLICATE COST FIGURES & CALCULATIONS. LAND VALUE ESTIMATED BY DIRECT COMPARISON &/OR EXTRACTION METHOD FROM IMPROVED SALES IN AREA. DEPRECIATION EST. BY EXTRACTION METHOD WHERE LAND VALUE OF IMPROVED SALES ESTIMATED & SUBTRACTED FROM GROSS PRICE.

ESTIMATED	<input type="checkbox"/> REPRODUCTION OR	<input checked="" type="checkbox"/> REPLACEMENT COST NEW	OPINION OF SITE VALUE.....	= \$	30,622
Source of cost data	SHELBY CO. CONTRACTORS & SUPPLIERS		Dwelling	2,631 Sq. Ft. @ \$ 60.00	= \$ 157,860
Quality rating from cost service	AVG.	Effective date of cost data	7/10/2008	BSMT	2,072 Sq. Ft. @ \$ 12.00
			Pchs, 358 Sq.Ft. @ \$18.00		6,444
Comments on Cost Approach (gross living area calculations, depreciation, etc.)			Garage/Carport		360 Sq. Ft. @ \$ 20
			Total Estimate of Cost-New		= \$ 196,368
			Less	Physical	Functional
			Depreciation		78,547
			14,139		= \$ (92,686)
AGE/LIFE METHOD. *** SEE ADDITIONAL COMMENTS			Depreciated Cost of Improvements.....		= \$ 103,682
ABOVE ON USING COST APPROACH FOR INSURABLE VALUE. ***			'As-is' Value of Site Improvements.....		= \$ 2,500
Estimated Remaining Economic Life (HUD and VA only)			30	Years	Indicated Value By Cost Approach.....
					= \$ 136,804

INCOME APPROACH TO VALUE (not required by Fannie Mae)
 Estimated Monthly Market Rent \$ N/A X Gross Rent Multiplier N/A = \$ N/A Indicated Value by Income Approach
 Summary of Income Approach (including support for market rent and GRM) N/A

PROJECT INFORMATION FOR PUDs (if applicable)
 Is the developer/builder in control of the Homeowners' Association (HOA)? Yes No Unit type(s) Detached Attached
 Provide the following information for PUDs ONLY if the developer/builder is in control of the HOA and the subject property is an attached dwelling unit.
 Legal name of project
 Total number of phases Total number of units N/A Total number of units sold
 Total number of units rented Total number of units for sale Data Source(s)
 Was the project created by the conversion of existing building(s) into a PUD? Yes No If Yes, date of conversion
 Does the project contain any multi-dwelling units? Yes No Data Source(s)
 Are the units, common elements, and recreation facilities complete? Yes No If No, describe the status of completion.
 Are the common elements leased to or by the Homeowners' Association? Yes No If Yes, describe the rental terms and options.
 Describe common elements and recreational facilities

ADDITIONAL COMMENTS

Borrower or Owner **SHELTON, RON**Property Address **4193 BURROW AVE.**City **MEMPHIS**County **SHELBY**State **TN**Zip Code **38128-6353**Lender or Client **PORFOLIO HOME MORTGAGE CORP.****MARKET CONDITIONS**

THERE IS INTERSTATE 40 AND COMMERCIAL ACTIVITY ADJACENT TO THE SUBJECT WHICH COULD CAUSE SOME MARKET RESISTANCE. HOWEVER, THERE IS A BUFFER (TREES) BETWEEN THE SUBJECT AND INTERSTATE 40. THESE EXTERNAL FACTORS IMPACT VALUE AS INDICATED IN THE ADJUSTMENT GRID UNDER " LOCATION ".

CURRENT NEIGHBORHOOD HOME SALES FOR "JACKSON BLVD SUBDIVISION " RANGES FROM 30K - 69K WITH SINGLE FAMILY HOMES SIZES (GLA) RANGING FROM 816 - 1932 SQUARE FEET. THE TYPICAL PRICE AND SIZE RANGES DIFFER FROM THE SUBJECT'S PHYSICAL AND HOME VALUE CRITERIOR DUE TO THE SUBJECT BEING CONSIDERED OVERBUILT FOR THE NEIGHBORHOOD.

THERE WERE NO OTHER MARKET CONDITIONS DISCOVERED THAT ARE ATYPICAL OR UNUSUAL WITHIN THIS MARKET THAT WOULD FURTHER AFFECT THE MARKETABILITY OR VALUES OF THE SUBJECT AND COMPS IN AN ADVERSE MANNER. SUPPLY AND DEMAND ARE IN BALANCE AND PRICES STABLE.

*** REFER TO THE MARKET STATISTICAL CHART ATTACHED *** ...

ADDITIONAL COMMENTS

DUE TO NO NEIGHBORHOOD COMPARABLES SIMILAR TO THE SUBJECT FOUND ON THE UPPER SECTION OF PAGE #2 OF THE URAR, (COMPARABLE LISTINGS AND SALES RANGES OFFERED IN THE NEIGHBORHOOD WITHIN THE PAST 12 MONTHS), THERE WERE NO SIMILAR COMPS AVAILABLE TO THE SUBJECT PROPERTY WITHIN THE NEIGHBORHOOD.

THE SUBJECT'S APPRAISED VALUE EXCEEDS THE NEIGHBORHOOD PREDOMINATE VALUES DUE TO BEING OVERBUILT FOR THE AREA, THEREFORE, ONLY THE NEIGHBORHOOD VALUE RANGES ARE REFLECTED FOR ONE-UNIT HOUSING LOW AND HIGH PRICES UNDER "NEIGHBORHOOD " SECTION FOUND ON PAGE #1 OF THE URAR.

Correspondence Concerning UV 10-12 (Tant Road)

Ron Shelton – 4193 Burrow Avenue (property directly south of the subject site)

Charles Wells – Senior Inspector, Code Enforcement

Steve Shular – Public Affairs Officer, Shelby County Mayor's Office

Herb Nicholson – Tennessee Department of Environmental Conservation, Division of Solid Waste Management

Love, Gregory

From: Wells, Charles [Charles.Wells@shelbycountyttn.gov]
Sent: Tuesday, April 26, 2011 9:35 AM
To: Love, Gregory
Subject: FW: Site visit to 2190 Tant, Memphis, Tennessee

Thanks

Charles H. Wells
Senior Inspector
Shelby Co. Code Enforcement
379-4246 fax 379-4250
email: charles.wells@shelbycountyttn.gov

From: Shular, Steve
Sent: Friday, April 22, 2011 10:17 AM
To: Wells, Charles
Cc: 'rshelton9@aol.com'; Shular, Steve
Subject: Fw: Site visit to 2190 Tant, Memphis, Tennessee

Charlie, one the storm damage assessments can be completed, please check on this when you get a chance. We need an update on violations at this address. The state is involved as well.

Steve Shular
Public Affairs Officer
Shelby County Mayor's Office
8th Floor
160 North Main
Memphis, TN 38103

(901) 545-5532
Office
(901) 359-5117
Cell

From: Shular, Steve
To: 'rshelton9@aol.com' <rshelton9@aol.com>
Sent: Fri Apr 22 10:14:05 2011
Subject: Re: Site visit to 2190 Tant, Memphis, Tennessee

Will check
Steve Shular
Public Affairs Officer
Shelby County Mayor's Office
8th Floor
160 North Main
Memphis, TN 38103

(901) 545-5532
Office

(901) 359-5117
Cell

From: rshelton9@aol.com <rshelton9@aol.com>
To: Shular, Steve
Cc: Wells, Charles
Sent: Fri Apr 22 09:38:04 2011
Subject: Re: Site visit to 2190 Tant, Memphis, Tennessee

Hi Steve, I never heard anything.

Thanks

-----Original Message-----

From: Shular, Steve <Steve.Shular@shelbycountyttn.gov>
To: rshelton9 <rshelton9@aol.com>
Cc: Wells, Charles <Charles.Wells@shelbycountyttn.gov>; Shular, Steve <Steve.Shular@shelbycountyttn.gov>
Sent: Mon, Apr 18, 2011 1:48 pm
Subject: RE: Site visit to 2190 Tant, Memphis, Tennessee

Hello Mr. Shelton, checking now. Steve

Charles, can you give me an update on whether can site this owner for being in business?

THANKS

Steve Shular
Public Affairs Officer
Shelby County Mayor's Office
160 North Main
8th Floor
Memphis, TN 38103

Office (901) 545-5532

Cell (901) 359-5117

FAX (901) 545-4759

From: rshelton9@aol.com [mailto:rshelton9@aol.com]
Sent: Monday, April 18, 2011 12:35 PM
To: Shular, Steve
Subject: Re: Site visit to 2190 Tant, Memphis, Tennessee

Hi Steve, can you find out the status of the business next door to me? It seems to be business as usual. I was wondering what hapened on the court date of 4-11.

Thanks
Ron Shelton

-----Original Message-----

From: Shular, Steve <Steve.Shular@shelbycountyttn.gov>

5/6/2011

To: rshelton9 <rshelton9@aol.com>
Sent: Thu, Mar 24, 2011 3:14 pm
Subject: Re: Site visit to 2190 Tant, Memphis, Tennessee

Me Shelton, please call me on the cell. In mtg now will call u when I can.

Steve Shular
Public Affairs Officer
Shelby County Mayor's Office
8th Floor
160 North Main
Memphis, TN 38103

(901) 545-5532
Office
(901) 359-5117
Cell

From: rshelton9@aol.com <rshelton9@aol.com>
To: Shular, Steve; Wells, Charles; Needham, Tom
Sent: Thu Mar 24 15:08:56 2011
Subject: Re: Site visit to 2190 Tant, Memphis, Tennessee

Sorry for my ignorance, but can you tell me what that means? Variance from what?

I do have some questions that I feel he should answer before a decision is made:

Does he own the property?
Are the property taxes paid?
Does he have a business license?
Is all of his heavy equipment registered and licensed?

I already know he does not own the property and the taxes are not paid. I seriously doubt that he has any business license or has registered his equipment.

If he gets away with this then there is something illegal going on.

-----Original Message-----

From: Shular, Steve <Steve.Shular@shelbycountytn.gov>
To: Wells, Charles <Charles.Wells@shelbycountytn.gov>; rshelton9 <rshelton9@aol.com>; Needham, Tom <Tom.Needham@shelbycountytn.gov>
Sent: Thu, Mar 24, 2011 11:13 am
Subject: RE: Site visit to 2190 Tant, Memphis, Tennessee

Charles,

Thanks. Can you give us the date and time for that meeting? Mr. Shelton and/or others may need to attend to oppose this action.

Steve

Steve Shular
Public Affairs Officer
Shelby County Mayor's Office
160 North Main
8th Floor
Memphis, TN 38103

5/6/2011

Office (901) 545-5532

Cell (901) 359-5117

FAX (901) 545-4759

From: Wells, Charles
Sent: Thursday, March 24, 2011 10:44 AM
To: Shular, Steve; 'rshelton9@aol.com'
Subject: RE: Site visit to 2190 Tant, Memphis, Tennessee

Hello all,
This case is in court and will be heard on 4-11-2011 after the owner goes before the land use control board to try and get a variance.
Thanks

Charles H. Wells
Senior Inspector
Shelby Co. Code Enforcement
379-4246 fax 379-4250
email: charles.wells@shelbycountyttn.gov

From: Shular, Steve
Sent: Thursday, March 24, 2011 10:23 AM
To: 'rshelton9@aol.com'
Cc: Shular, Steve; Wells, Charles
Subject: Re: Site visit to 2190 Tant, Memphis, Tennessee

Hi. Yes through code enforcement. Charles, can you check this location for an illegal business?
Steve Shular
Public Affairs Officer
Shelby County Mayor's Office
8th Floor
160 North Main
Memphis, TN 38103

(901) 545-5532
Office
(901) 359-5117
Cell

From: rshelton9@aol.com <rshelton9@aol.com>
To: Shular, Steve
Sent: Thu Mar 24 07:17:19 2011
Subject: Re: Site visit to 2190 Tant, Memphis, Tennessee

Well Steve, this is great that some pressure is being put on him, but I don't see that this is going to stop him from operating a business with heavy equipment next door to me in a residential neighborhood. Is there another

5/6/2011

agency we can contact to stop the business?
Thanks

-----Original Message-----

From: Shular, Steve <Steve.Shular@shelbycountytn.gov>
To: Herb Nicholson <Herb.Nicholson@tn.gov>; rshelton9 <rshelton9@aol.com>; Shular, Steve <Steve.Shular@shelbycountytn.gov>
Cc: Cindy Patton <Cindy.Patton@tn.gov>; John Boatright <John.Boatright@tn.gov>
Sent: Wed, Mar 23, 2011 11:14 am
Subject: RE: Site visit to 2190 Tant, Memphis, Tennessee

Mr. Nicholson,

Thanks so much for the update.

Mr. Shelton, FYI.
Steve

Steve Shular
Public Affairs Officer
Shelby County Mayor's Office
160 North Main
8th Floor
Memphis, TN 38103

Office (901) 545-5532

Cell (901) 359-5117

FAX (901) 545-4759

From: Herb Nicholson [mailto:Herb.Nicholson@tn.gov]
Sent: Wednesday, March 23, 2011 10:44 AM
To: Shular, Steve
Cc: Cindy Patton; John Boatright
Subject: RE: Site visit to 2190 Tant, Memphis, Tennessee

Steve

The following describes a routine DSWM enforcement time line following an inspection that revealed improper disposal of regulated solid waste:

1. A notice of violation (NOV) is submitted to the property owner, or designated responsible party.
2. The NOV directs the responsible person to correct the violation within 30 days of receiving the NOV.
3. Subsequent to the 30-day period, a follow-up site visit is conducted by the DSWM staff to determine if compliance has been achieved.
4. If the facility is back in compliance, the enforcement procedure may be terminated.
5. If the facility is still in non-compliance with the NOV, then further enforcement procedures may be warranted. This may involve an administrative Show Cause hearing in Nashville, followed by a written Order from the Enforcement Section that would require the responsible person to pay a fee for the non-compliance and to reestablish compliance based on a required time line.

The current enforcement status of the Tant Road case is as follows:

5/6/2011

1. An NOV was submitted to the responsible person around March 6, 2011.
2. Sometime around April 6, a follow-up site visit will be conducted by DSWM staff to determine if compliance has been achieved.

If you have any questions, feel free to contact me anytime.
Thanks

Herb Nicholson
PG, CHMM
Tennessee Department of Environment and Conservation
Division of Solid Waste Management
8383 Wolf Lake Drive
Bartlett, TN 38133

Phone: 901-371-3010

Fax: 901-371-3170

Email: herb.nicholson@tn.gov

>>> "Shular, Steve" <Steve.Shular@shelbycountyttn.gov> 3/18/2011 2:57 PM >>>

Mr. Shelton,

We'll be glad to check.

ATTN Mr. Nicholson: The violations continue.

Can you cite the owner and/or get this into to court as soon as possible?

THANKS

Steve

Steve Shular
Public Affairs Officer
Shelby County Mayor's Office
160 North Main
8th Floor
Memphis, TN 38103

Office (901) 545-5532

Cell (901) 359-5117

FAX (901) 545-4759

From: rshelton9@aol.com [<mailto:rshelton9@aol.com>]

Sent: Friday, March 18, 2011 2:55 PM

To: Shular, Steve

Subject: Re: Site visit to 2190 Tant, Memphis, Tennessee

Any update for me? There's still a lot of activity on the property.

Thanks

-----Original Message-----

5/6/2011

From: Shular, Steve <Steve.Shular@shelbycountytn.gov>
To: rshelton9 <rshelton9@aol.com>
Cc: Herb.Nicholson <Herb.Nicholson@tn.gov>; Zerwekh, Tyler <Tyler.Zerwekh@shelbycountytn.gov>; Needham, Tom <Tom.Needham@shelbycountytn.gov>
Sent: Sat, Mar 12, 2011 9:08 am
Subject: Re: Site visit to 2190 Tant, Memphis, Tennessee

We'll continue to do all we can to help and keep you posted.

Steve Shular
Public Affairs Officer
Shelby County Mayor's Office
8th Floor
160 North Main
Memphis, TN 38103

(901) 545-5532
Office
(901) 359-5117
Cell

From: rshelton9@aol.com <rshelton9@aol.com>
To: Shular, Steve; Herb.Nicholson@tn.gov <Herb.Nicholson@tn.gov>
Cc: Needham, Tom; Zerwekh, Tyler
Sent: Sat Mar 12 08:54:02 2011
Subject: Re: Site visit to 2190 Tant, Memphis, Tennessee

Thank you very much for the update. I appreciate being kept up on what's going on. I have to say though that he is not going to be hauling anything off that land unless he's going to make money off it. He's over there right now burying waste. His digging with the backhoes wakes me up every morning, today was no different. And he's not filling dump trucks to haul anything off. It's just not in him to use a proper landfill and I know he won't.

But Steve, more than just the waste, regulated or not, I'm more concerned that he continues to operate the landfill nextdoor to me. Even being faced with charges or fines, he's still doing the same thing he's done for years.

Thank you all very much for your help.

Ron Shelton
901.481.6739

-----Original Message-----

From: Shular, Steve <Steve.Shular@shelbycountytn.gov>
To: rshelton9 <rshelton9@aol.com>
Cc: Needham, Tom <Tom.Needham@shelbycountytn.gov>; Zerwekh, Tyler <Tyler.Zerwekh@shelbycountytn.gov>
Sent: Fri, Mar 11, 2011 2:26 pm
Subject: FW: Site visit to 2190 Tant, Memphis, Tennessee

Hello, Sir.

The State Health Department is now involved in this issue.

See below.

Left you a message as well.
Steve

5/6/2011

Steve Shular
Public Affairs Officer
Shelby County Mayor's Office
160 North Main
8th Floor
Memphis, TN 38103

Office (901) 545-5532

Cell (901) 359-5117

FAX (901) 545-4759

From: Shular, Steve
Sent: Friday, March 11, 2011 11:20 AM
To: 'Herb Nicholson'; Zerwekh, Tyler
Cc: Cindy Patton; Terry Templeton; Shular, Steve
Subject: RE: Site visit to 2190 Tant, Memphis, Tennessee

Thanks so much!
Steve

Steve Shular
Public Affairs Officer
Shelby County Mayor's Office
160 North Main
8th Floor
Memphis, TN 38103

Office (901) 545-5532

Cell (901) 359-5117

FAX (901) 545-4759

From: Herb Nicholson [<mailto:Herb.Nicholson@tn.gov>]
Sent: Friday, March 11, 2011 11:02 AM
To: Zerwekh, Tyler
Cc: Shular, Steve; Cindy Patton; Terry Templeton
Subject: Site visit to 2190 Tant, Memphis, Tennessee

Tyler

On March 4, 2011, staff from the Tennessee Division of Solid Waste Management (DSWM), Memphis Environmental Field Office, conducted a solid waste complaint investigation at the above-referenced address. The DSWM staff observed some regulated waste. However, most of the waste observed was non-regulated waste. The non-regulated waste was not permitted by the State to be present at the inspected location. As a result, DSWM staff will be sending a Notice of Violation to the land owner of the property. I've been informed by the staff that non-regulated waste will have to be removed from the site and sent to a facility permitted to receive the waste. Further enforcement action could be warranted if the responsible party does not comply with conditions stated in the NOV.

If you have any questions, don't hesitate to contact me.

5/6/2011

Herb Nicholson
PG, CHMM
Tennessee Department of Environment and Conservation
Division of Solid Waste Management
8383 Wolf Lake Drive
Bartlett, TN 38133

Phone: 901-371-3010
Fax: 901-371-3170
Email: herb.nicholson@tn.gov

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT # 17**

CASE NUMBER: UV 10-12 **L.U.C.B. MEETING:** April 14, 2011
LOCATION: North side corner of Tant Road and Interstate 240
COUNCIL DISTRICT: 1
SUPER DISTRICT: 9
OWNER OF RECORD / APPLICANT: Brianne K. Mawry
REPRESENTATIVE: Kevin Farmer
REQUEST: Contractor Storage and Recycling
AREA: 3.2 Acres
EXISTING LAND USE & ZONING: Single Family Residential (R-6) District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Rejection

Staff Writer: Gregory Love

Email: gregory.love@memphistn.gov

CONCLUSIONS

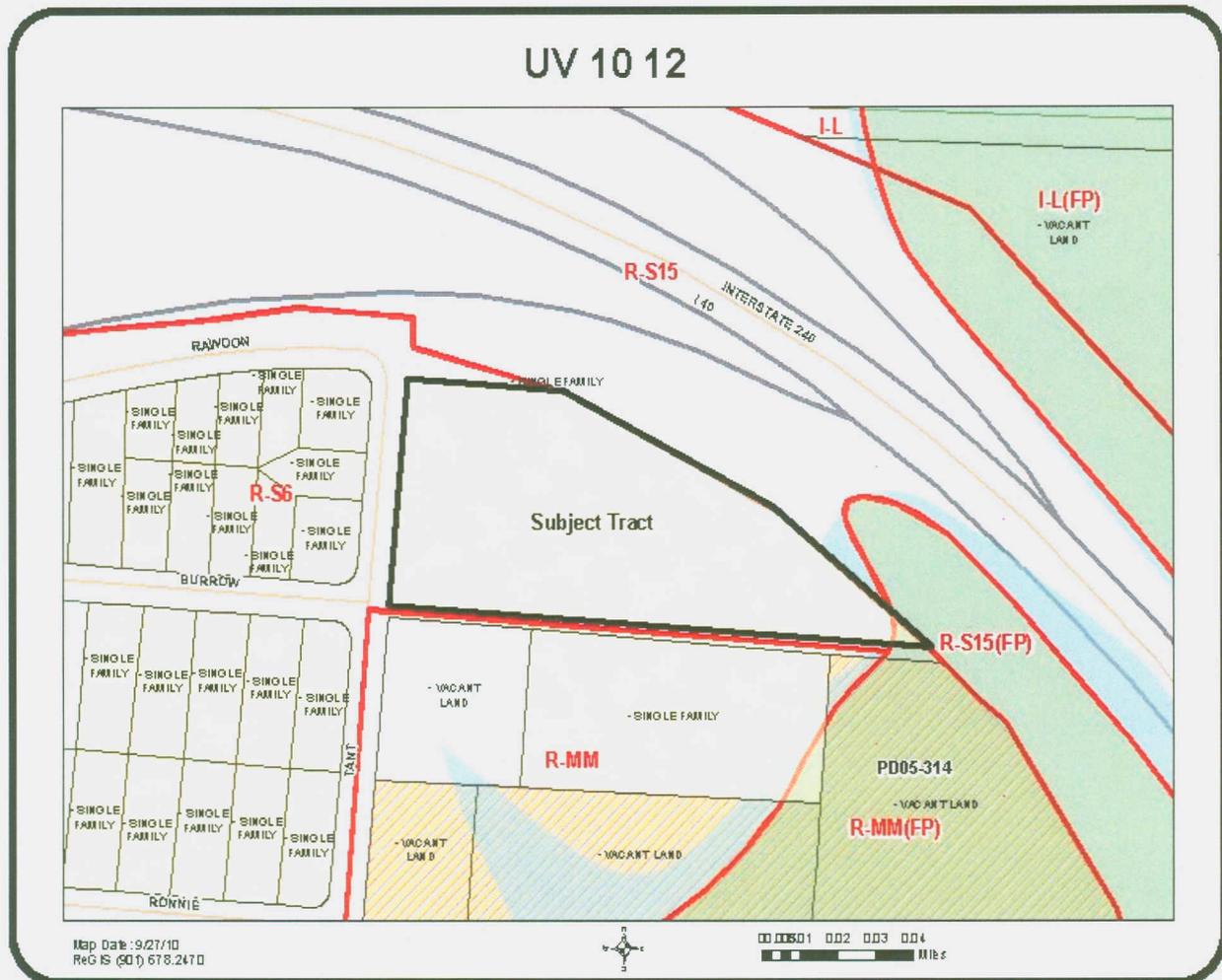
The subject site is an approximately 3.2 acre parcel situated at the north terminus of Tant Road just south of Interstate 240. The subject site is currently zoned R-6, and has predominantly single family uses around it. The applicant is currently utilizing the property as a primary residence and requests to be allowed to also use it for contractor storage and recycling purposes. The existing principle structure located on the site is a single family residential home situated at the most northwestern quadrant of the parcel fronting on Tant Road. The design and character of the house is in keeping with other structures within the nearby area and conforms to current zoning district requirements. However, the request to utilize the rear yard of this property for contractor storage and recycling related activities could not be justified. The property is much larger than other lots surrounding it but there is no evidence of a hardship that was not created by the owner.

The site has no access to a major road therefore the primary ingress and egress for the subject site is and would continue to be from Tant Road, a two lane residential street. Allowing dump trucks with construction material and equipment to traverse this local road and through a residential neighborhood would be intrusive and onerous to the residents along Tant Road as well as the adjoining residential area.

The proposed use is more industrial in nature especially when compared to the surrounding residential land uses. The impact of trucks and the day-to-day operations of the proposed use may include dust, noise, etc. that could detract from the quiet enjoyment of the surrounding neighborhoods.

The proposed use should not be allowed and this application should be rejected

LAND USE & ZONING MAP



SURROUNDING USES AND ZONING:

North: Interstate 40 within the R-15 (Residential Single Family -15) District

East: Interstate 40 and vacant land within the R-15 (Residential Single Family -15) District

South: Vacant lot and a single family residence within the RU-3 (Residential Urban-3) District

West: Single family residences within the R-6 (Residential Single Family) District

UV 10 12



Map Date: 9/27/10
ReGIS (901) 678.2470



0 0.01 0.02 0.03 0.04
Miles

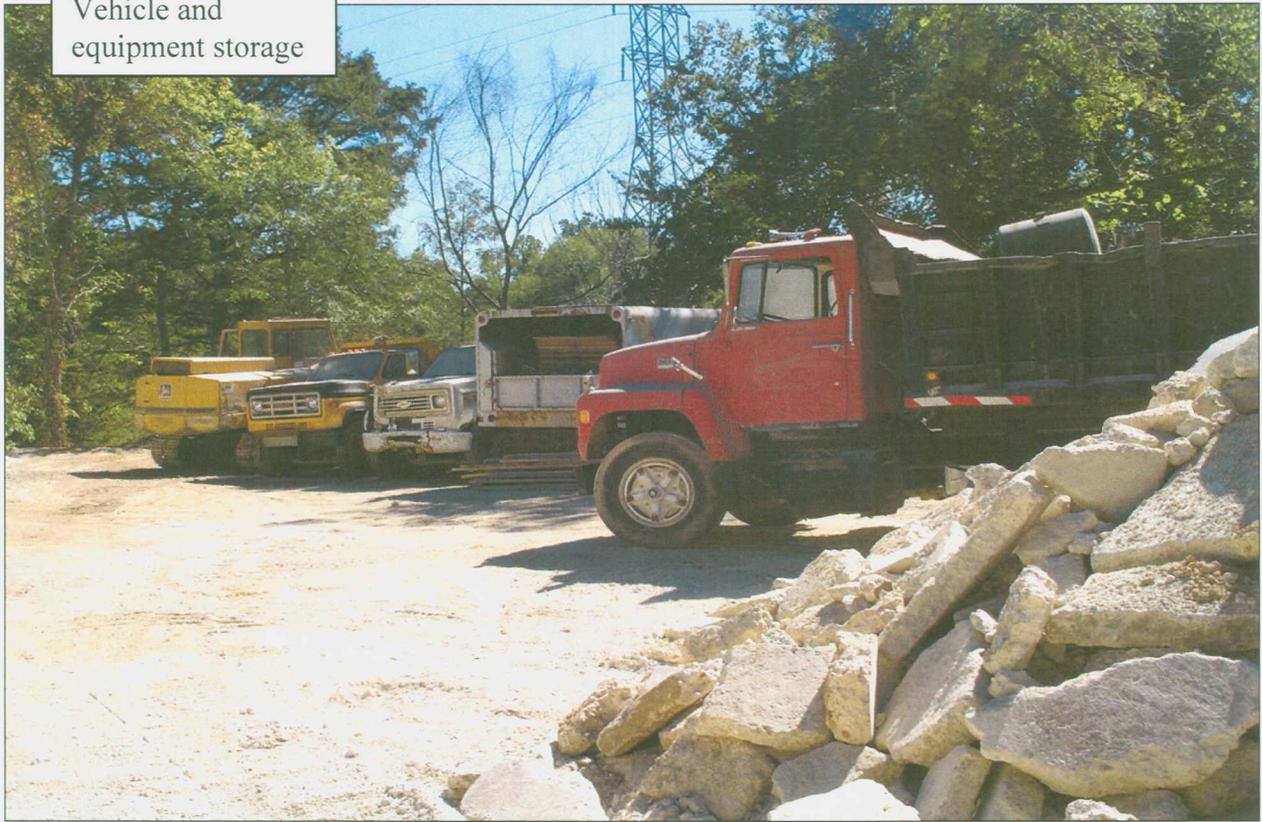
Construction material
recycling area



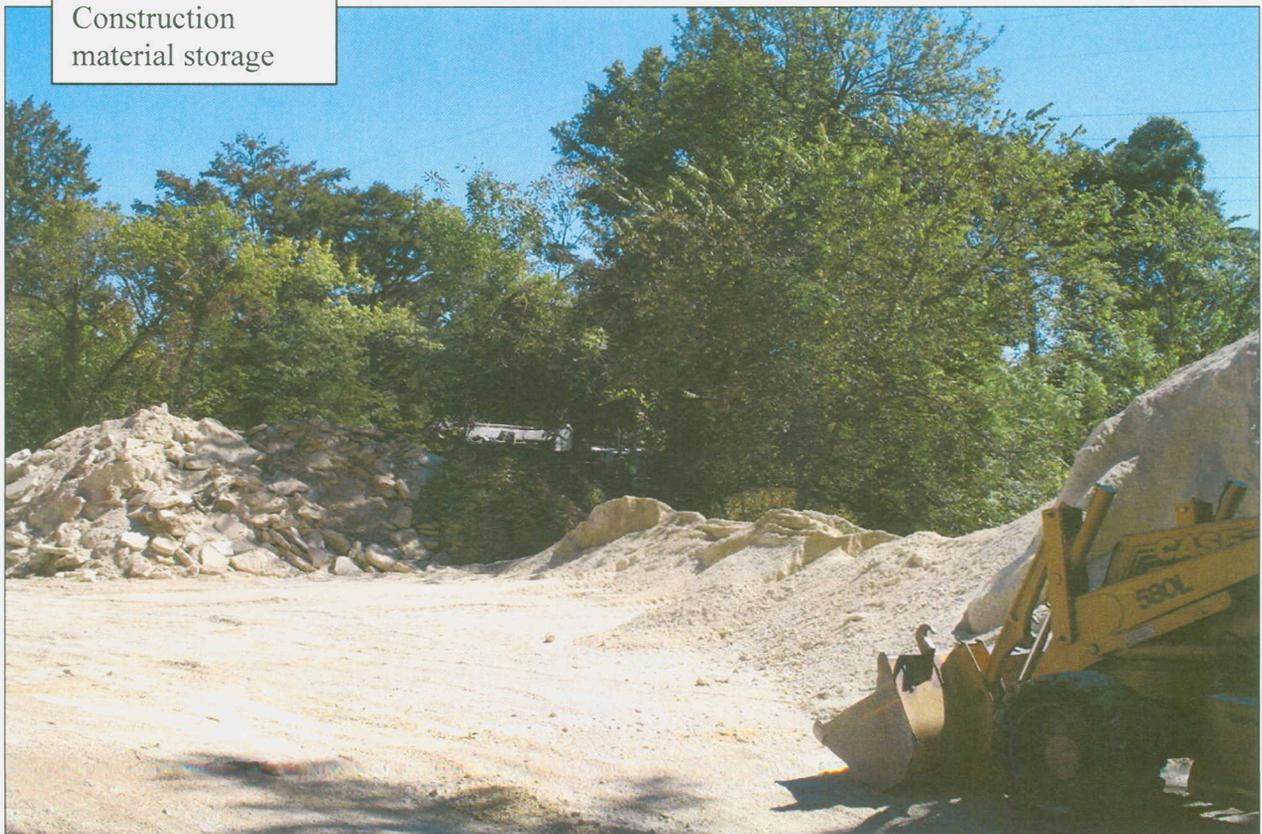
Construction material
recycling area



Vehicle and
equipment storage



Construction
material storage



Construction
material storage



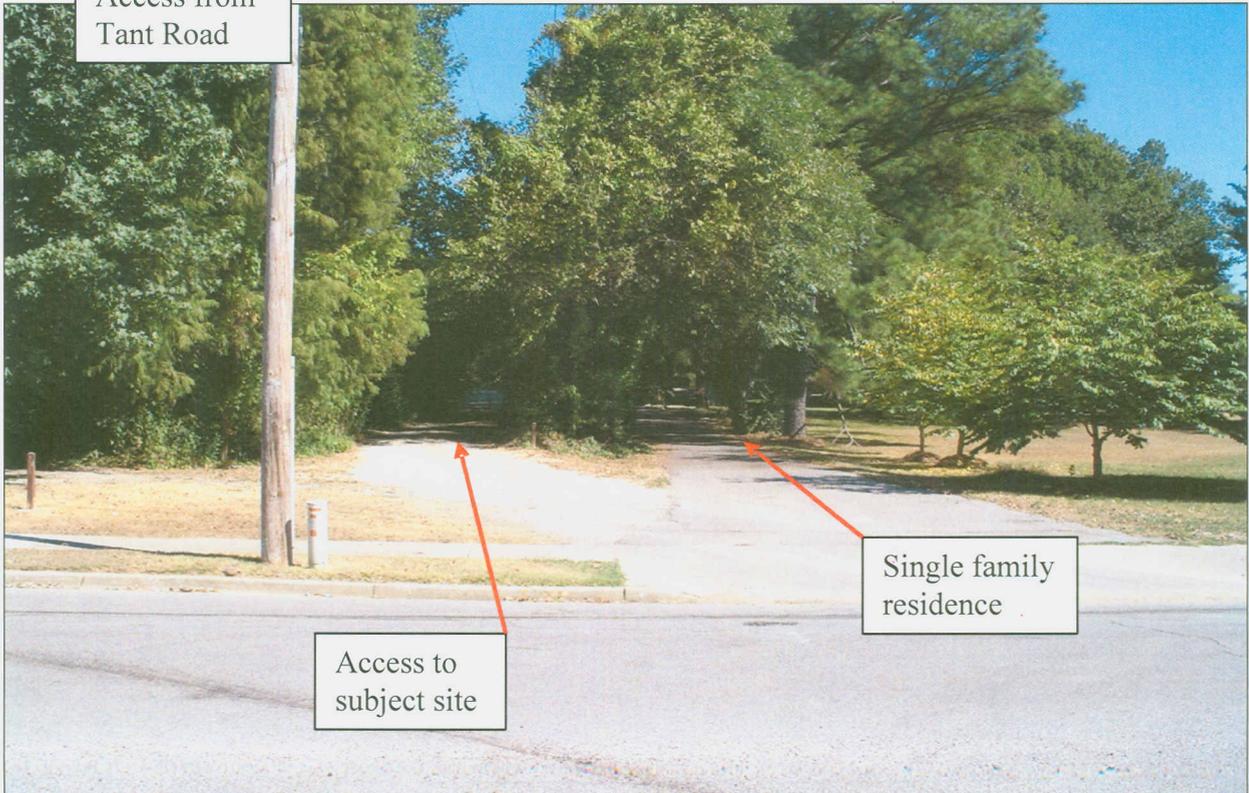
Berm



Vehicle and
equipment storage



Access from
Tant Road



STAFF ANALYSIS

The subject site is a 3.2 acre site situated at the most northern terminus of Tant Road. The property is occupied by a one story, single family, residential structure which is similar in character to other homes within the area. The site abuts Interstate 240 to the north and vacant land to the east which suggests that there may be some opportunity to explore a broader utility of the site and its acreage.

The applicant currently resides at the subject site and requests to utilize the rear yard for contractor storage and construction recycling. There would be heavy trucks (dump trucks) carrying construction debris and construction equipment through a residential community as part of the day-to-day operation. There is no access to the site from a major road therefore all business traffic for this proposed industrial use would be forced on to residential streets and through the surrounding neighborhood.

The site, although somewhat remote as a result of it being flanked on the north by I-240, was originally intended to be utilized for residential purposes and is surrounded by other single family residential land uses. Permitting this property to be used for construction related purposes would be in direct conflict with the residential character of the area and would not promote nor support the intent and theme of the neighborhood.

An incongruent mix of land uses may be detrimental to the quality of life of the surrounding residents and may have a detrimental effect upon already fragile property values.

RECOMMENDATION

Rejection

GENERAL INFORMATION

Street Frontage: 300 feet

Planning District: Jackson

Census Tract: 89

Zoning Atlas Page: 1840

Parcel ID: 08035 00035

Zoning History: R-S6

DEPARTMENTAL COMMENTS

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

City Engineer:

Sewers:

1. City sanitary sewers are available at developer's expense.

Curb Cuts/Access:

2. The City Engineer shall approve the design, number and location of curb cuts.
3. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
4. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards,

Drainage:

5. Drainage improvements, including on-site detention, shall be provided under a Standard Subdivision contract in accordance with Subdivision Regulations and the City of Memphis Drainage Design Manual.
6. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.
7. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

Site Plan Notes:

8. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
9. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

General Notes:

10. The width of all existing off-street sewer easements shall be widened to meet current city standards.
11. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.
12. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:	No comments received.
City Real Estate:	No comments received.
City/County Health Department:	No comments by the Water Quality Branch & Septic Tank Program.
City Board of Education:	No comments.
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 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 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 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 MLGW 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). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at 901-528-4855 for application of utility services.
 - All commercial developers must contact MLGW's Builder Services at 901-367-3343 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/Bell South:

AT&T Tennessee has no comment.

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

No comments received.

OPD-Plans Development:

No comments received.

Memphis Park Commission:

No comments received.

Neighborhood Associations:

No comments received.