

**STAFF REPORT**

**19**

**CASE NUMBER:** UV 08-04 **L.U.C.B. MEETING:** June 12, 2008

**LOCATION:** Southeast corner of Airways Boulevard and Lowell Avenue

**OWNER/APPLICANT:** Evonne Henderson

**REQUEST:** Use Variance to allow a beauty shop

**AREA:** 0.21 Acre(9,148 sq. ft.)

**EXISTING LAND USE & ZONING:** One-story single family wood frame home in Single Family Residential(R-S6) District

**SURROUNDING USES AND ZONING:**

**North:** Single family homes and vacant lot in Norris Subdivision in Single Family Residential(R-S6) District.

**East:** Single family homes in Norris Subdivision in Single Family Residential(R-S6) District.

**South:** Single family homes in Hamilton Subdivision in Single Family Residential(R-S6) District and church in Multiple Dwelling(R-ML) District.

**West:** Vacant land in Parking(P) District and manufacturing and warehousing in William Dunn Subdivision in the Light Industrial(I-L) and Heavy Industrial(I-H) Districts.

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**

*Approval with Conditions*

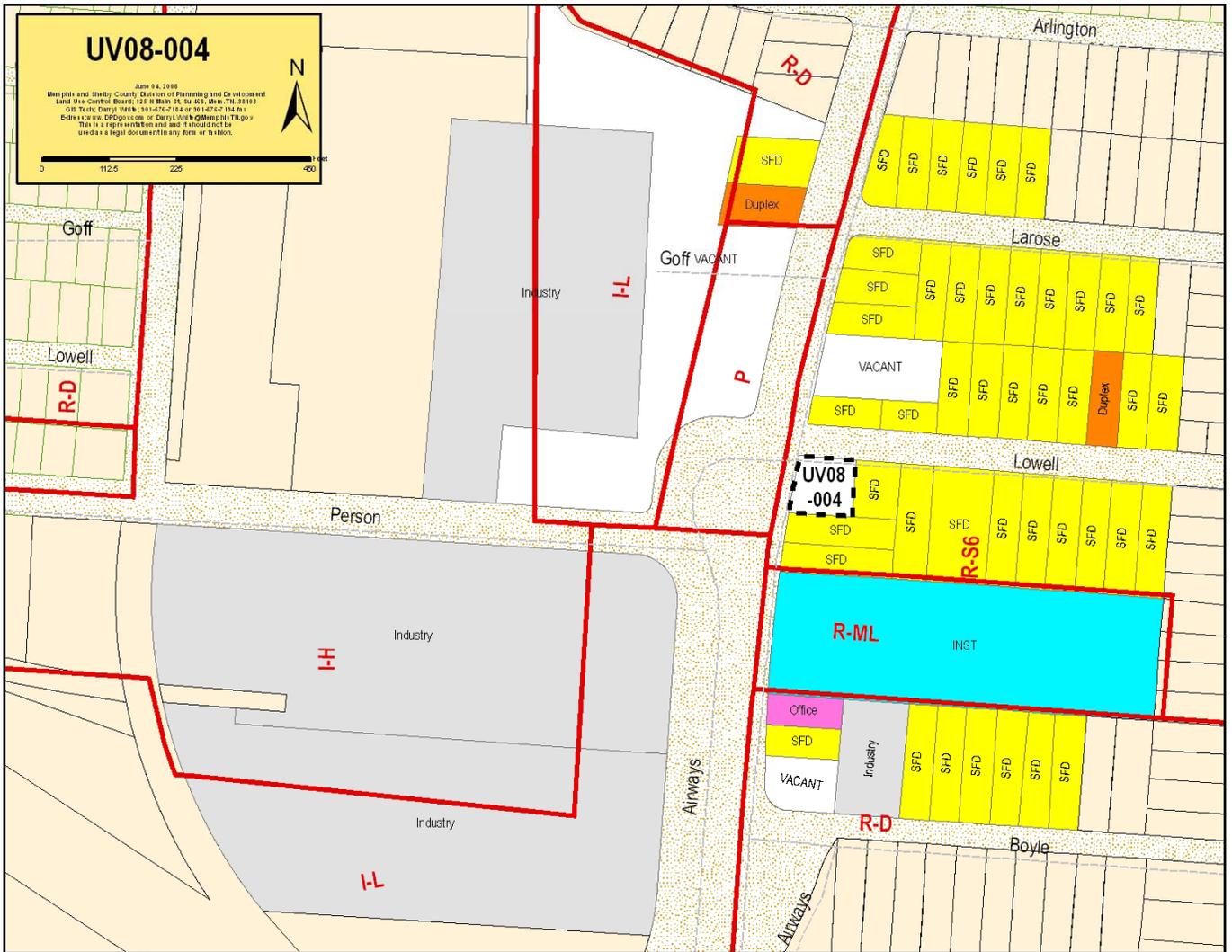
**Staff:** Brian Bacchus

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

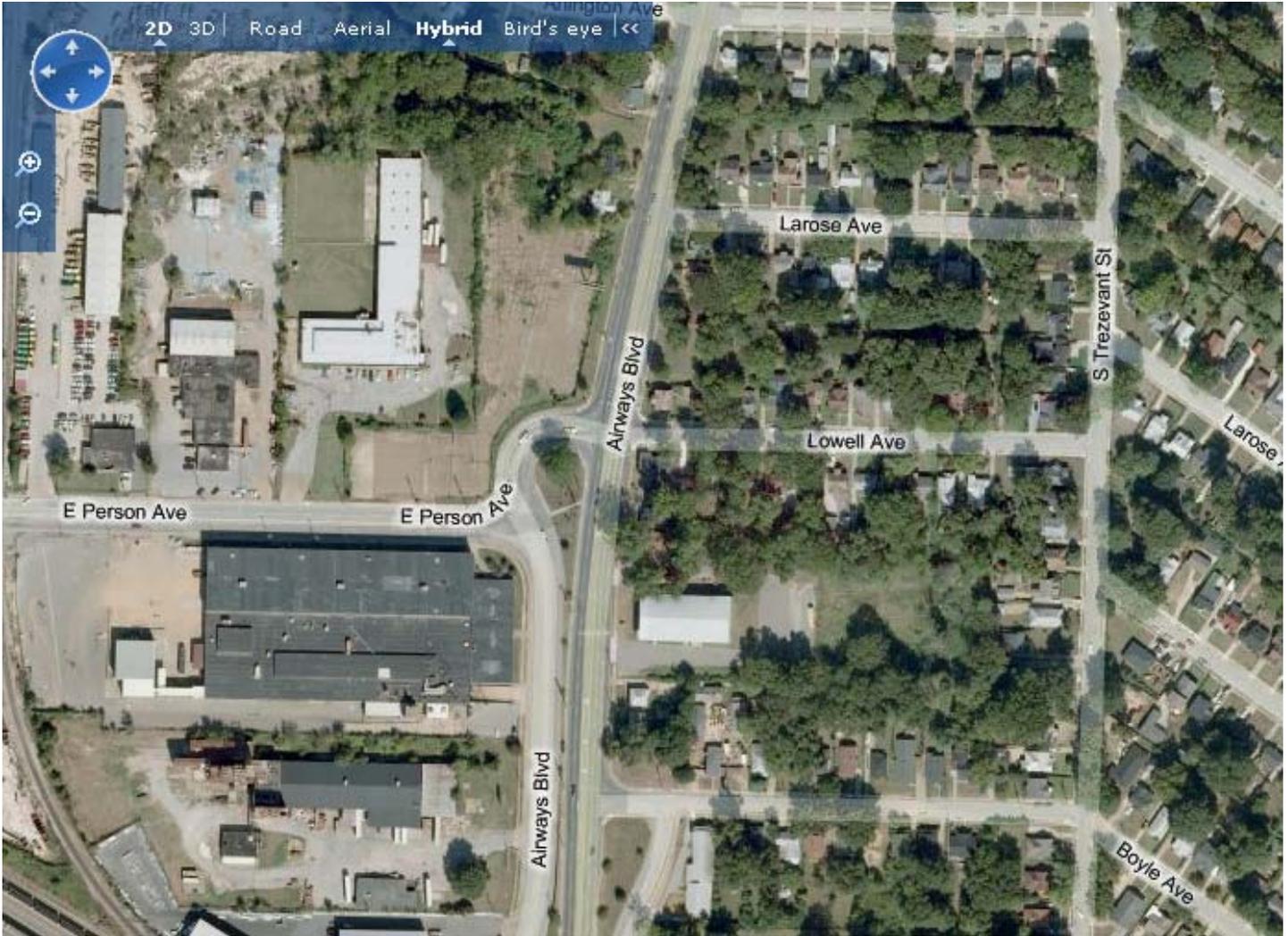
***CONCLUSIONS:***

1. **The subject property is a 0.21 acre(9,148 sq. ft.) lot in Hamilton Subdivision occupied by a single family one-story frame home at the western edge of the Bethel Grove Community.**
2. **The site has access from Lowell Avenue to the rear of the building with space for parking. The front yard has been very well maintained with mature shrubs and planted flowers beds beneath the porch in the front yard.**
3. **The land use and zoning in the immediate area is predominantly single family homes in Norris and Hamilton Subdivisions to the north, south and east in Single Family Residential(R-S6) District zoning.**
4. **The request is for a use variation to allow a beauty shop in a residential structure that faces directly into more intensive zoning for industrial land uses.**
5. **Although the request is adjacent to single family homes, the conversion to allow a beauty shop with limited booths would not significantly interrupt the relationship with adjacent residential properties if preserved and maintained in residential character.**

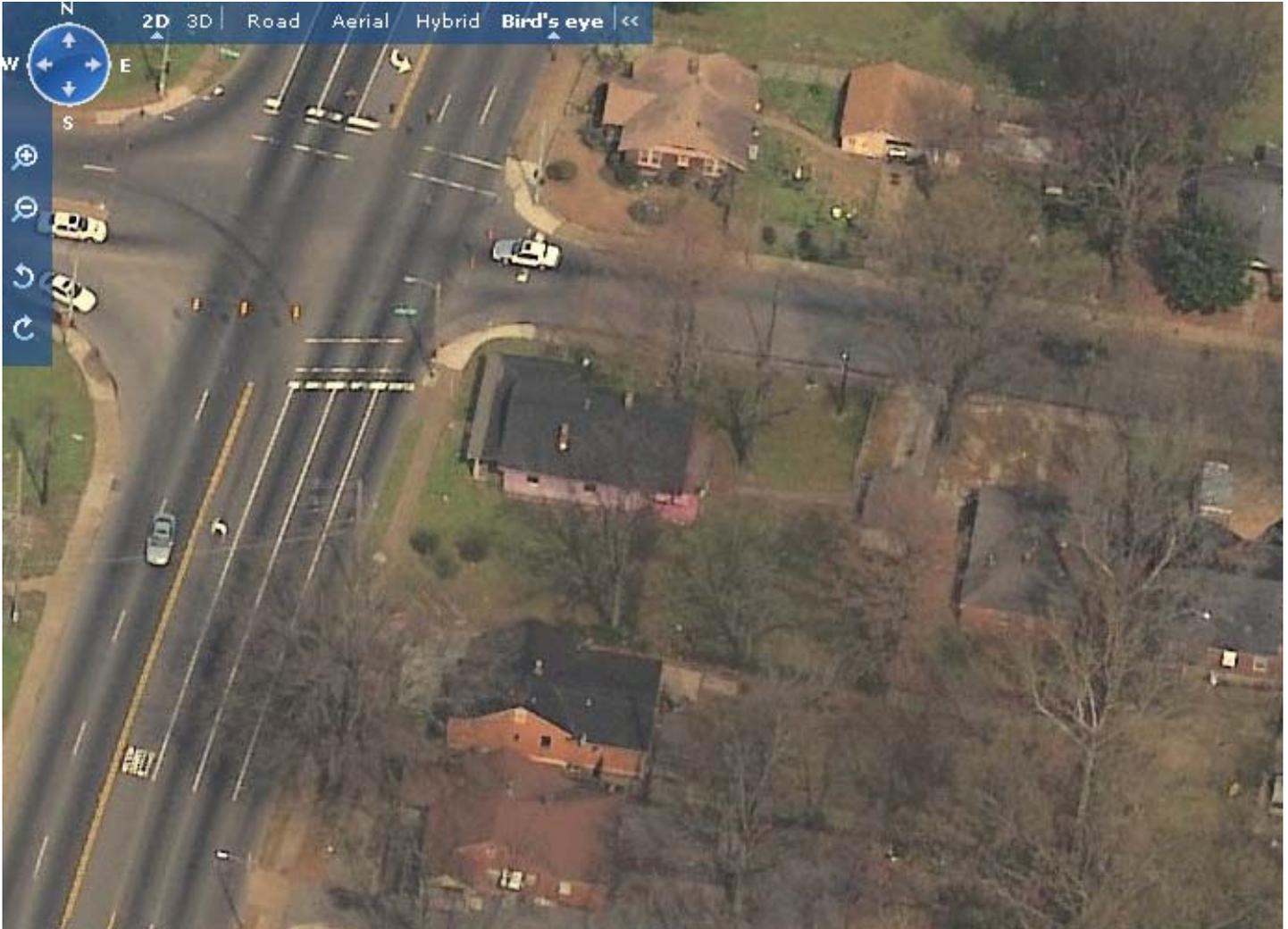
**ZONING & LAND USE:**



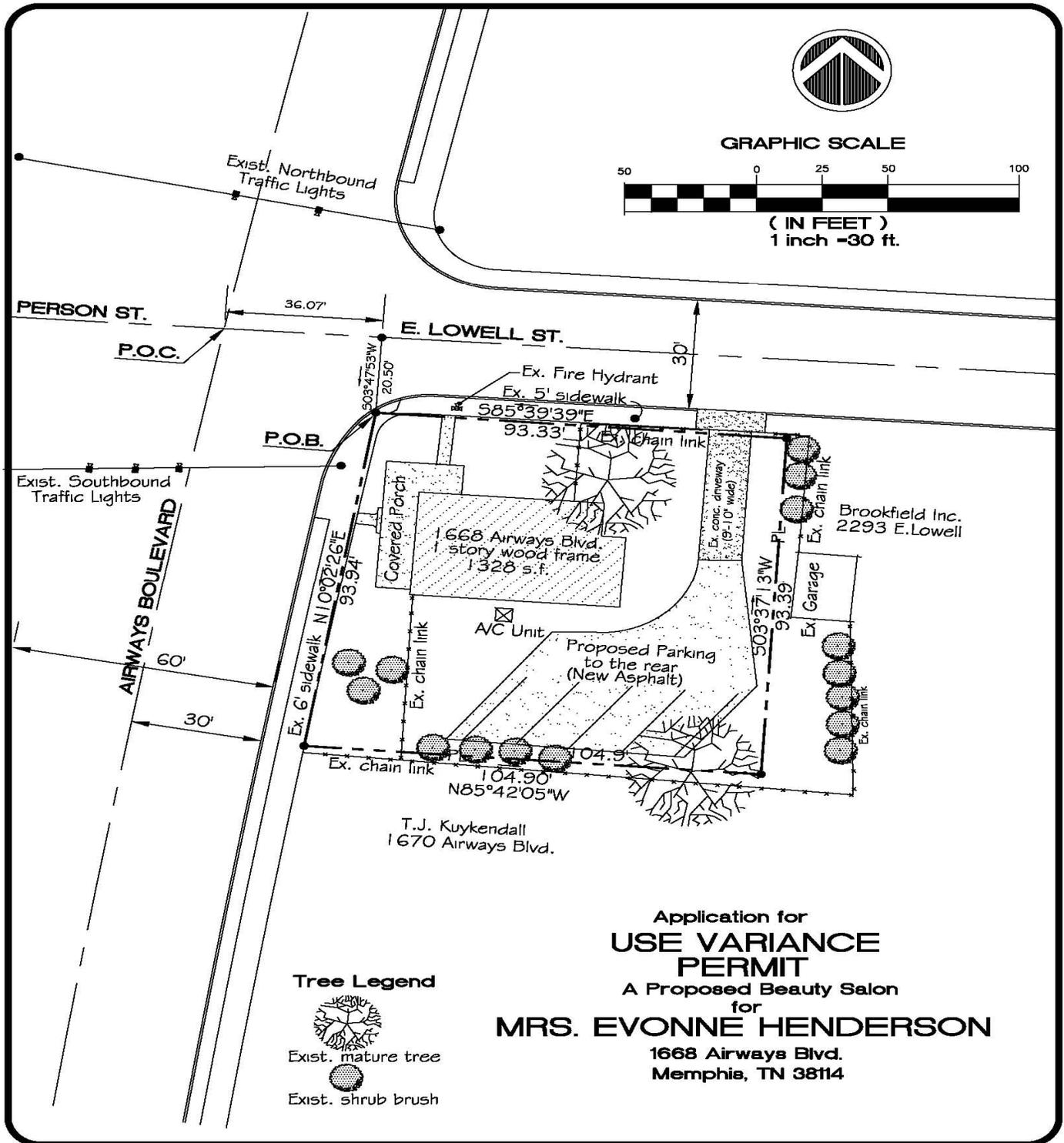
**AERIAL HYBRID VIEW:**  
**(1668 Airways Boulevard)**



**BIRD'S EYE VIEW:**  
***(1668 Airways Boulevard)***



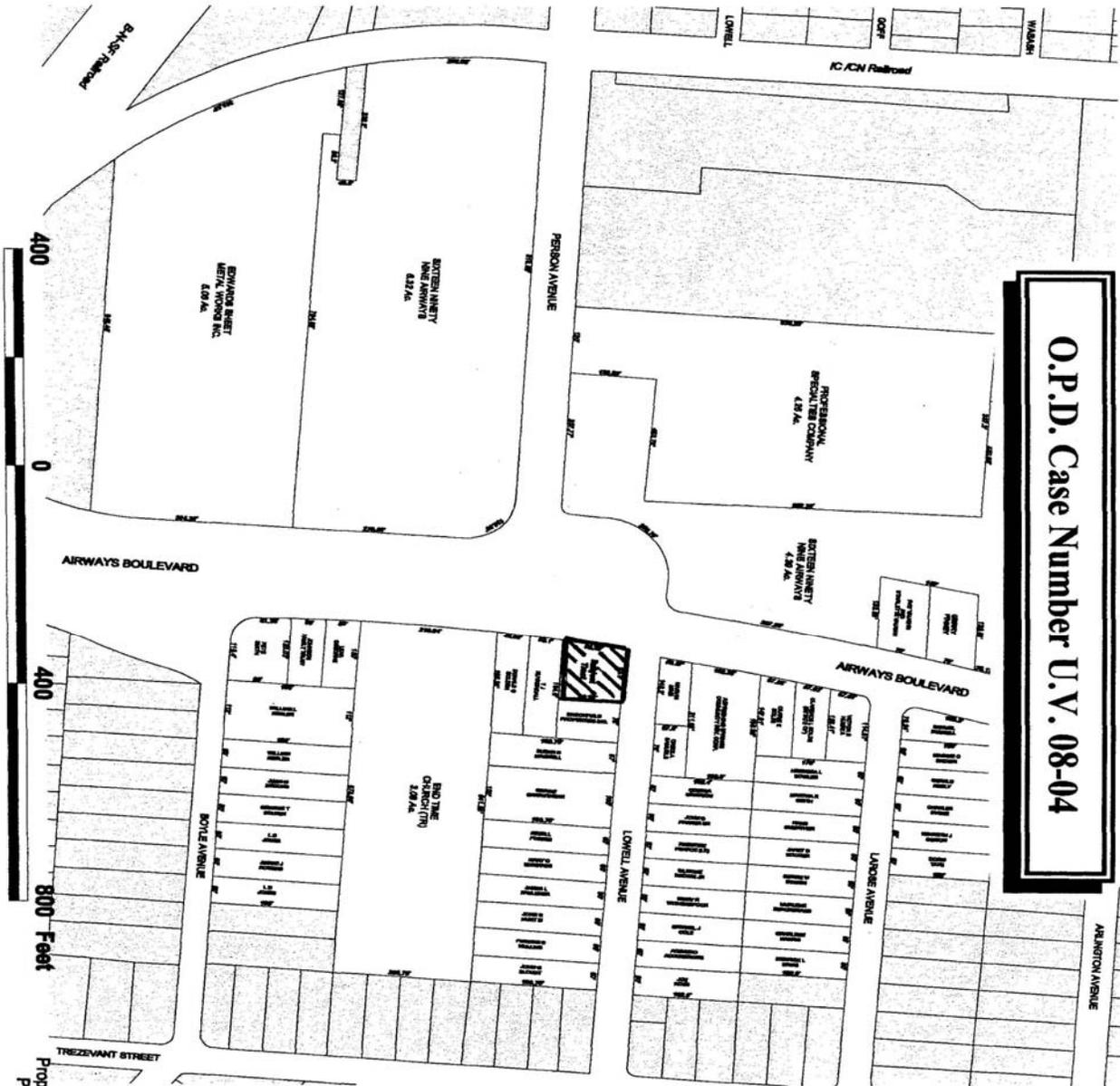
**SITE PLAN:**  
***(1668 Airways Boulevard)***



**VICINITY & OWNERSHIP MAP:**

Vicinity Map

O.P.D. Case Number U.V. 08-04



Date: 04/2/08  
Prepared By:  
Property Research Data  
PRD Job #08-034



***STAFF ANALYSIS:***

***Site Description***

The subject property is a 0.21 acre(9,148 sq. ft.) lot in Hamilton Subdivision at the southeast corner of a major road, Airways Boulevard and a minor local street, Lowell Avenue approximately one-third of a mile south of Airways/Lamar Avenue intersection. The site is occupied by a single family one-story frame home with a front porch and faces Airways Boulevard. The home was built in 1920 and has been preserved and maintained as a single family home at the western edge of the Bethel Grove Community.

There are mature trees and shrubs in the front and rear yards with the entire back yard enclosed with a chain-link fence four(4') feet height. The site has access from Lowell Avenue to the rear of the building with space for parking. The front yard has been very well maintained with mature shrubs and planted flowers beds beneath the porch in the front yard. There is curb, gutter and sidewalk with overhead power along Airways Boulevard and along Lowell Avenue.

***Area Overview***

The land use and zoning in the immediate area is predominantly single family homes in Norris and Hamilton Subdivisions to the north, south and east in Single Family Residential(R-S6) District zoning. The single family homes in this area of Bethel Grove are primarily one-story brick and frame homes ranging in size from 1300 to 1800 square feet in area on lots greater than R-S6 District zoning. The land use west of the subject property consist of light manufacturing and warehouses in Light Industrial(I-L) and Heavy Industrial(I-H) District zoning, including a billboard in William Dunn Subdivision. There are no neighborhood services or Local Commercial(C-L) District zoning in the immediate area in close proximity to the subject property.

**Use Variance vs. Residential Structure**

The request is for a use variation to allow a beauty shop in a residential structure in Hamilton Subdivision in Single Family Residential(R-S6) District zoning. The site is located in the Depot Planning District and at the western boundary of the Bethel Grove community. The home has been preserved and maintained in residential character with the exception of recycled rubber and asphalt material for rear yard parking. The site has adequate access with the ability to safely exit by forward motion to Lowell Avenue. A major traffic signal at the intersection of Airways Boulevard supports safe exiting of the site because of very high traffic volumes on a six(6) lane major roadway with seventy(70') feet of right-of-way.

The zoning in this immediate area is typical of a major road intersecting with a minor local street. The zoning and land use is more intensive directly across the street and the subject property faces directly into this land use. This intersection has a traffic signal that mainly serves the industrial land uses to the east. The zoning line that separates residential and non-residential land use distinctively defines the zoning boundaries. The separation of land uses by a major road is such that a use variation would provide a neighborhood service within walking distance at the western edge of an established neighborhood.

Although the request is adjacent to single family homes, the conversion to allow a beauty shop with limited booths would not significantly interrupt the relationship with adjacent residential properties if preserved and maintained in residential character. The residence should not be altered or enlarged in any shape or form and occupied only by the applicant. The rear parking area should be enclosed with a wood sight-proof fence six(6') feet in height and all mature shrubs and trees, including flower beds shall be preserved and maintained.

***RECOMMENDATION:***            ***Approval with Conditions***

***SITE PLAN CONDITIONS:***

A Use Variation is hereby authorized to *'Evonne Henderson'* to allow a *'beauty shop in a residential structure'* for property located at *'1668 Airways Boulevard'* at the *'southeast corner of Airways boulevard and Lowell Avenue'* in accordance with the *'approved site plan'* and the following supplemental conditions:

**I. Use Permitted:**

- A. A beauty shop with a maximum of three(3) booths in a residential structure. No exterior alterations or additions other than general repair and maintenance shall be allowed to the structure.
- B. The hours of operation shall be from 7 a.m. through 6 p.m.
- C. There shall be no other type of business operated from this site other than permitted by this use variation for a beauty shop in a residential structure.

**II. Access and Parking:**

- A. All required parking shall be located to the rear as illustrated on the site plan. No parking shall be allowed on any adjacent lots or parcels.
- B. A maximum of four(4) parking spaces shall be provided, including one(1) handicap space.

**III. Landscaping and Other:**

- A. All mature trees and shrubs in the front and rear yards, including flower beds shall be preserved and maintained.
- B. The exterior shall be preserved and maintained consistently in residential character.
- C. The rear parking area shall be enclosed with a wood sight-proof fence six(6') feet in height.

**IV.** A maximum of one(1) attached sign shall be permitted a maximum of twelve(12) square feet in area.

**V.** The beauty shop with a maximum of three(3) booths shall be permitted for the above mentioned user and maintained in accordance with site plan conditions.

**GENERAL INFORMATION:**

**Street Frontage:** Airways Boulevard-----+/-93.39 linear feet.  
Lowell Avenue-----+/-93.90 linear feet.

**Planning District:** Depot

**Census Tract:** 69

**Zoning Atlas Page:** 2135

**Zoning History:** The Single Family Residential(R-S6) District zoning of the site date to the adoption of the 1980 zoning map amendments.

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**DEPARTMENTAL COMMENTS:**

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

**City Engineer:**

1. Standard Subdivision Contract as required in Section 500 of Subdivision Regulations.

**Sewers:**

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

**Curb Cuts/Access:**

3. The City Engineer shall approve the design, number and location of curb cuts.
4. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
5. Access to Airways Blvd via private drive or driveway is prohibited. Convey right of access to City of Memphis.

**Drainage:**

6. 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.
7. Drainage data for assessment of on-site detention requirements shall be submitted to and approved by the City Engineer.

**Site Plan Notes:**

8. The width of all existing off-street sewer easements shall be widened to meet current City standards.

9. 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.

10. Required landscaping shall not be placed on sewer or drainage easements.

**Memphis Fire Services:** No comments.

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

**Memphis Board of Education:** No comments received.

**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 comments:

- **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. No trees, shrubs or permanent structures will be allowed within any MLGW utility easements.
- **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).
- **It is the responsibility of the owner/applicant** to contact the appropriate MLGW engineering area to determine if system improvements may be required and any related cost:
  - MLGW Engineering - **Residential Development:** 528-4858
  - MLGW Engineering - **Commercial Development:** 367-3343
- **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 has no comments.

**Memphis Area Transit Authority (MATA):** No comments received.

**OPD-Regional Services:**

This application was reviewed by the MPO staff/Department of Regional Services on May 28, 2008. The MPO staff has determined that Airways Boulevard is an existing major road consisting of 70 feet of right of way, 56 feet of pavement, and no proposed improvements.

**OPD-Plans Development:**

No comments.

**Park Services:**

No comments received.

**Neighborhood Associations/Organizations:**

*Bethel Grove Community Association:*

*No comments received as of 6/06/'08.*

*Orange Md. Concerned Citizens:*

*No comments received as of 6/06/'08.*

**Staff: BB**