



City of Bartlett
David Parsons, Mayor

BOARD OF ZONING APPEALS AGENDA

Thursday, February 16, 2023 — 6:30 p.m.

Bartlett City Hall Assembly Chamber

Approval of Minutes and Findings of Fact of the January 19, 2023 meeting.

New Business

PUBLIC HEARING

1. David Bray, with the Bray Firm, on behalf of the applicant, Marwan Shamali, is requesting a variance from the minimum lot width requirement in the Bartlett Zoning Ordinance. The subject property is located at 7771 Highway 70 which is located within the "C-H" Highway Business Zoning District.

Discussion

Decision



City of Bartlett, Tennessee Board of Zoning Appeals Staff Report

Public Hearing: Variance

7771 Highway 70

DATE: February 16, 2023

STAFF: Kim Taylor, Planning Director; Sam Harris Senior Planner; Leslie Brock, Planner; Trey Arthur, Code Enforcement Director

APPLICANT: Marwan Shamali

SITE LOCATION: 7771 Highway 70

ACREAGE: 1

ZONING: "C-H" Highway Business District

- 1. David Bray, with the Bray Firm, on behalf of the applicant, Marwan Shamali, is requesting a variance from the minimum lot width requirement in the Bartlett Zoning Ordinance. The subject property is located at 7771 Highway 70 which is located within the "C-H" Highway Business Zoning District.**

INTRODUCTION:

David Bray, with the Bray Firm, on behalf of the applicant, Marwan Shamali, is requesting a variance from the minimum lot width requirement in the Bartlett Zoning Ordinance. The subject property is located at 7771 Highway 70 which is located within the "C-H" Highway Business Zoning District.

BACKGROUND:

The subject property is a vacant pre-existing nonconforming lot of record. Deed records indicate that the subject property was created by deed in December 1994.

Should the Board of Zoning Appeals grant these variances, then a lot width of fifty-seven (57) feet for each lot would be allowed, resulting in a twenty-three (23) foot variance for each lot at its Highway 70 frontage for the property located at 7771 Highway 70.



Comments:

1. The applicant must obtain Master Plan, Construction Plan, and Final Plan subdivision approvals from the Planning Commission. Therefore, if this variance is granted, it is contingent upon obtaining these subdivision approvals.
2. The applicant must obtain Site Plan approvals from both the Planning Commission and Design Review Commission. Therefore, if this variance is granted, it is contingent upon obtaining these site plan approvals after obtaining the subdivision approvals.
3. Once this subdivision is recorded, the owner plans to rejoin the two lots into one, and re-record the plat.

Proposed Motion:

To approve the request for the required minimum lot width to be reduced from the required eighty (80) feet to fifty-seven (57) feet resulting in a twenty-three (23) foot variance for each lot at its Highway 70 frontage for the property located at 7771 Highway 70, subject to conditions.

VOTE:	Burton	Conroy	Hunt	Kaiser	King
YES	Yes	Yes	Yes	Yes	Yes
NO	No	No	No	No	No
ABSTAIN	Abstain	Abstain	Abstain	Abstain	Abstain

Bartlett Planning and
Economic Development Department
6382 Stage Road, P.O. Box 341148
Bartlett, TN 38184-1148
901-385-6417 FAX 901-385-6419
www.cityofbartlett.org

Bartlett Board of Zoning Appeals
Application for Variance Approval

Property Address for which Variance Is Requested 7771 U.S. Highway 70

Description of Variance Requested (separate letter or sheet may be attached) _____

PERMIT TO MERGE TWO LOTS OF ONLY 57
FEET WIDTH IN THE C-H ZONING. AFTER SUBDIVISION
THE TWO LOTS WILL BE COMBINED TO ONE LOT
MEETING THE ZONING REQUIREMENTS.

Property Owner Marwan Shamali Phone _____

Company Name _____ Fax _____

Address 7899 Jills Creek Dr.

Applicant David Bray Phone (901) 383-8668

Company Name The Bray Firm Fax _____

Address 2950 Stage Plaza North

Submitted by David Bray
(printed name) (signature) (date)

Email Address dgbay@comcast.net Phone (901) 383-8668 Fax _____

Attach a checked-off "Variance Checklist" and all items required therein.

Include a fee of \$300.00 with this application (check payable to the City of Bartlett).

Provide an electronic PDF file of the plans. Note that an updated electronic file is required when plans are revised. The electronic file shall be labeled with the project name and accurately dated.

I, the property owner(s) hereby authorize the filing of this application.

Marwan Shamali (print name) [Signature] (signature) 01/19/2023 (date)

Received
Jan. 19, 2023

Variance Checklist

The applicant shall provide the following information twenty (21) days prior to the scheduled hearing date.

This information shall be provided on sheets 8½" x 11" in size or folded to that size. **Ten (10) sets of this information shall be submitted**, with each set containing one copy of each document.

- ☐ 1. This application form.
- ☒ 2. A Plot Plan showing subject property and public street rights-of-way. If the property is encumbered by easements, show the type and location on the Plot Plan.
- ☒ 3. The names and addresses of all property owners within three hundred (300) feet of the applicant's property or a minimum of ten (10) property owners, whichever is greater.
- ☒ 4. One copy of the names and addresses required in #3 above on self-adhesive mailing labels.
- ☒ 5. A Vicinity Map showing the subject property and all parcels within the distances described in #3 above. Every parcel shall indicate the owner's name and the street that each parcel fronts upon.
- ☐ 6. A written explanation demonstrating how the following requirements are met.
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. Literal interpretation of the provisions of this Ordinance would deprive the

applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

- c. The special conditions and circumstances do not result from the actions of the applicant.
- d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

(Note: "No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.")

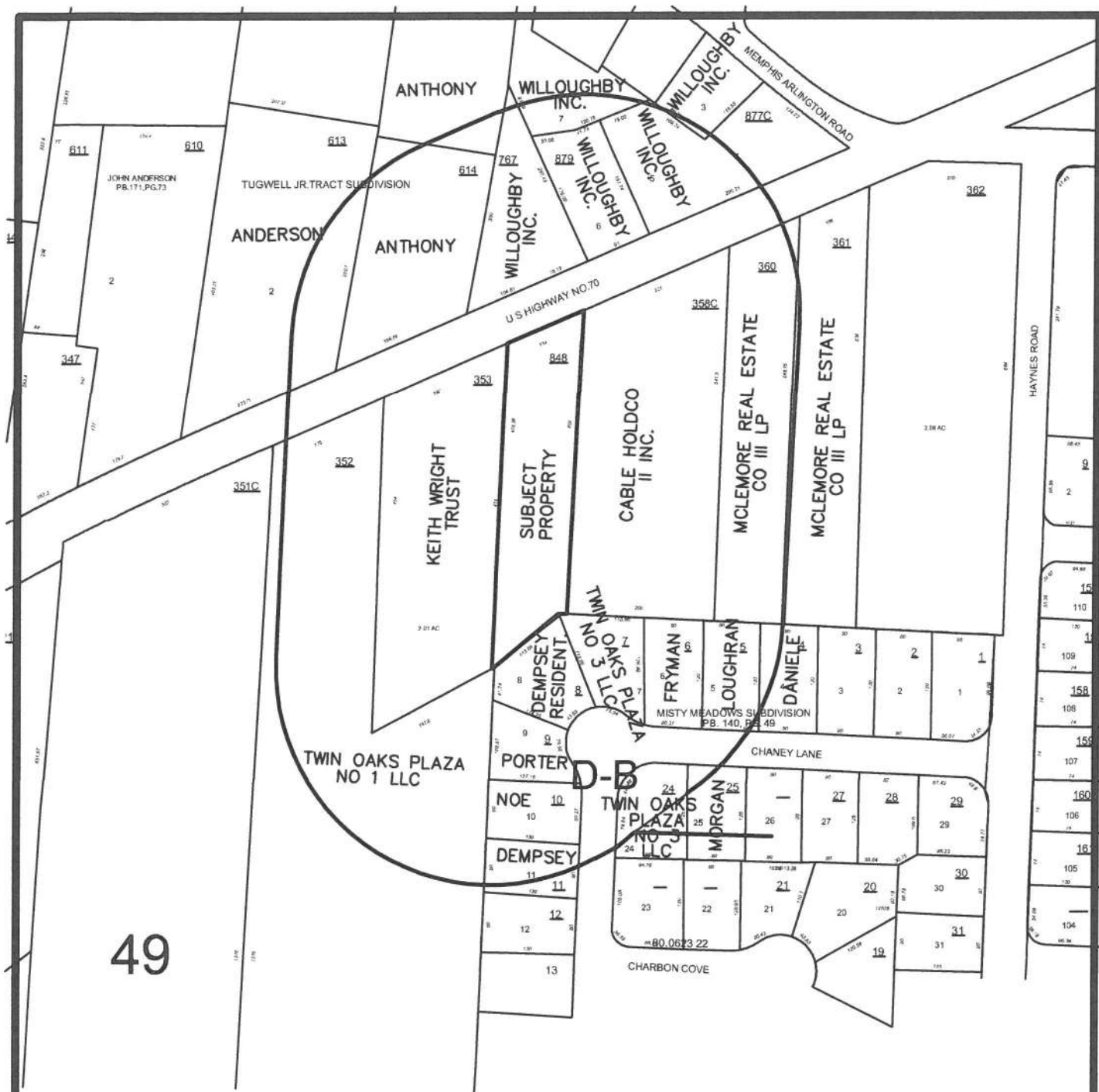
- ☐ 7. Any other information deemed necessary and requested by the Board.

The applicant should attend the meeting of the Board of Zoning Appeals, to present and answer questions on this application. The meeting is normally at 6:30 p.m. on the third Thursday of each month, at City Hall, 6400 Stage Road.

Questions also may be sent by email to the Department's planners:

- Kim Taylor, ktaylor@cityofbartlett.org
- Sam Harris, samharris@cityofbartlett.org
- Leslie Brock, leslie.brock@cityofbartlett.org

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED



**SHAMALI SUBDIVISION – VARIANCE
DEVELOPER– MARWAN SHAMALI**

BARTLETT, TENNESSEE

PREPARED BY THE BRAY FIRM
LAND DEVELOPMENT SERVICES

2950 STAGE PLAZA NORTH
BARTLETT, TENNESSEE
JANUARY 16, 2023

TELEPHONE 901-383-8668
E-MAIL dgbray@comcast.net
SCALE 1"=200'

Marwan Shamali
7899 Jills Creek Dr.
Bartlett, TN 38133

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

Keith B Wright Trust
3349 Bent Laurel Ln W
Arlington, TN 38002-5885

Twin Oaks Plaza No 1 LLC
P.O. Box 123
Ellendale, TN 38029-0123

Dempsey Residential LLC
7797 Charbon Cv.
Memphis, TN 38133-2079

Twin Oaks Plaza No 3 LLC
8499 Deadfall Rd.
Millington, TN 38053-5736

Cable Holdco II Inc.
1 Comcast Center
32nd Floor
Philadelphia, PA 19103-2855

Willoughby Inc.
600 Pickwick St.
Savannah, TN 38372-3007

Willoughby Inc.
174 Saundersville Rd.
Ste. 203
Hendersonville, TN 37075-8951

Mark D & Elya R Anthony
7761 Memphis Arlington Rd
Memphis, TN 38135-1948

Shan Anderson
3973 Brunswick Rd.
Bartlett, TN 38133

McLemore Real Estate Co III LP
19092 Highway 4 E
Senatobia, MS 38668-6581

Renee M Daniele
7808 Chaney Ln
Memphis, TN 38133

Allister & Calee Loughran
7800 Chaney Ln
Memphis, TN 38133-2080

Paul B Fryman
7792 Chaney Ln
Bartlett, TN 38133-2080

Britton R & Orland A Porter
3877 Charbon Ln
Memphis, TN 38133-2078

Anne M Noe
3869 Charbon Ln
Memphis, TN 38133-2078

James & Jill Dempsey
3861 Charbon Ln
Bartlett, TN 38133-2078

Bobby J & Lori S Morgan
7799 Chaney Ln
Bartlett, TN 38133-2081

CERTIFICATE OF SURVEY:

I, TIMOTHY A. SULLIVAN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND I HAVE SURVEYED THE LANDS EMBRACED WITHIN THE PLAT DESIGNATED AS SHAMALI SUBDIVISION. A SUBDIVISION ALL LYING WITHIN THE CORPORATE LIMITS OF THE CITY OF BARTLETT, TENNESSEE, THAT SAID PLAT IS A TRUE AND CORRECT PLAT OF THE LANDS EMBRACED THEREIN, SHOWING THE SUBDIVISION THEREOF IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BARTLETT, TENNESSEE. I FURTHER CERTIFY THAT THE SURVEY OF THE LANDS EMBRACED WITHIN SAID PLAT HAS BEEN CORRECTLY DOCUMENTED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BARTLETT, TENNESSEE.

IN WITNESS WHEREOF, I, THE SAID LAND SURVEYOR, HAVE SET OUT HAND AND AFFIX MY SEAL THIS 16TH DAY OF NOVEMBER, 2022.

LAND SURVEYOR
STATE OF TENNESSEE CERTIFICATE NO. 2160

CERTIFICATE OF ADEQUACY OF STORM DRAINAGE

I, DAVID GEAN BRAY, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL CIVIL ENGINEER, AND THAT I HAVE DESIGNED ALL STORM WATER DRAINAGE FOR SHAMALI SUBDIVISION TO ASSURE THAT NEITHER SAID SUBDIVISION NOR ADJOINING PROPERTY WILL BE DAMAGED OR THE CHARACTER OF LAND USE BE AFFECTED BY THE VELOCITY AND VOLUME OF WATER ENTERING OR

IN WITNESS WHEREOF, I, THE SAID PROFESSIONAL CIVIL ENGINEER HERETO SET OUT HAND AND AFFIX MY SEAL THIS 16TH DAY OF JANUARY, 2023

PROFESSIONAL CIVIL ENGINEER
STATE OF TENNESSEE CERTIFICATE NO. 00110070

BOARD OF MAYOR AND ALDERMAN CERTIFICATE:

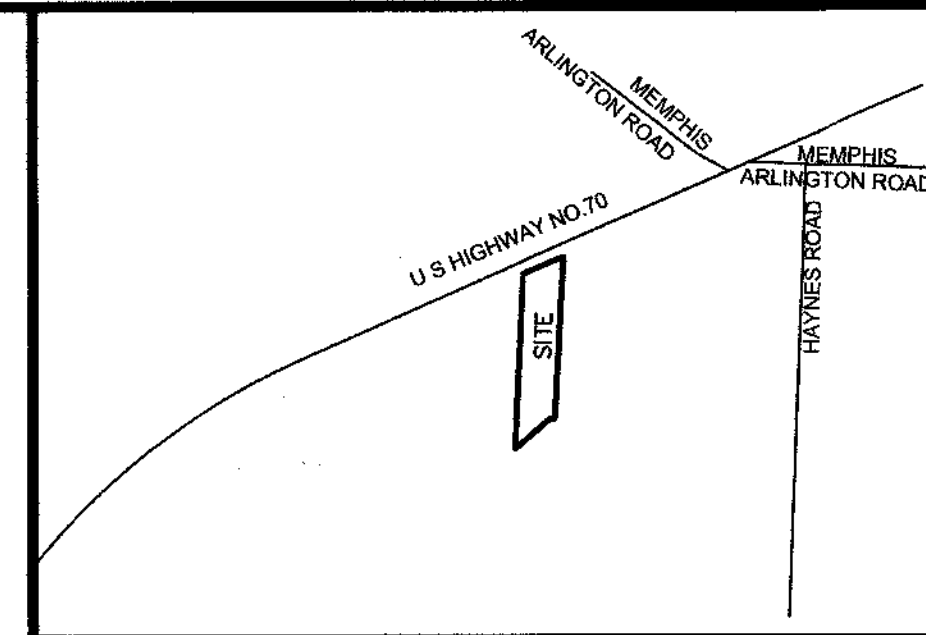
I, _____, HEREBY CERTIFY THAT ALL REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED OR THAT A PERFORMANCE BOND OR OTHER COLLATERAL IN SUFFICIENT AMOUNT TO ASSURE COMPLETION OF ALL REQUIRED IMPROVEMENTS HAS BEEN POSTED FOR THE SUBDIVISION SHOWN ON THIS PLAT AND ARE HEREBY APPROVED BY THE CITY OF BARTLETT, TENNESSEE.

DATE _____ MAYOR
CITY OF BARTLETT

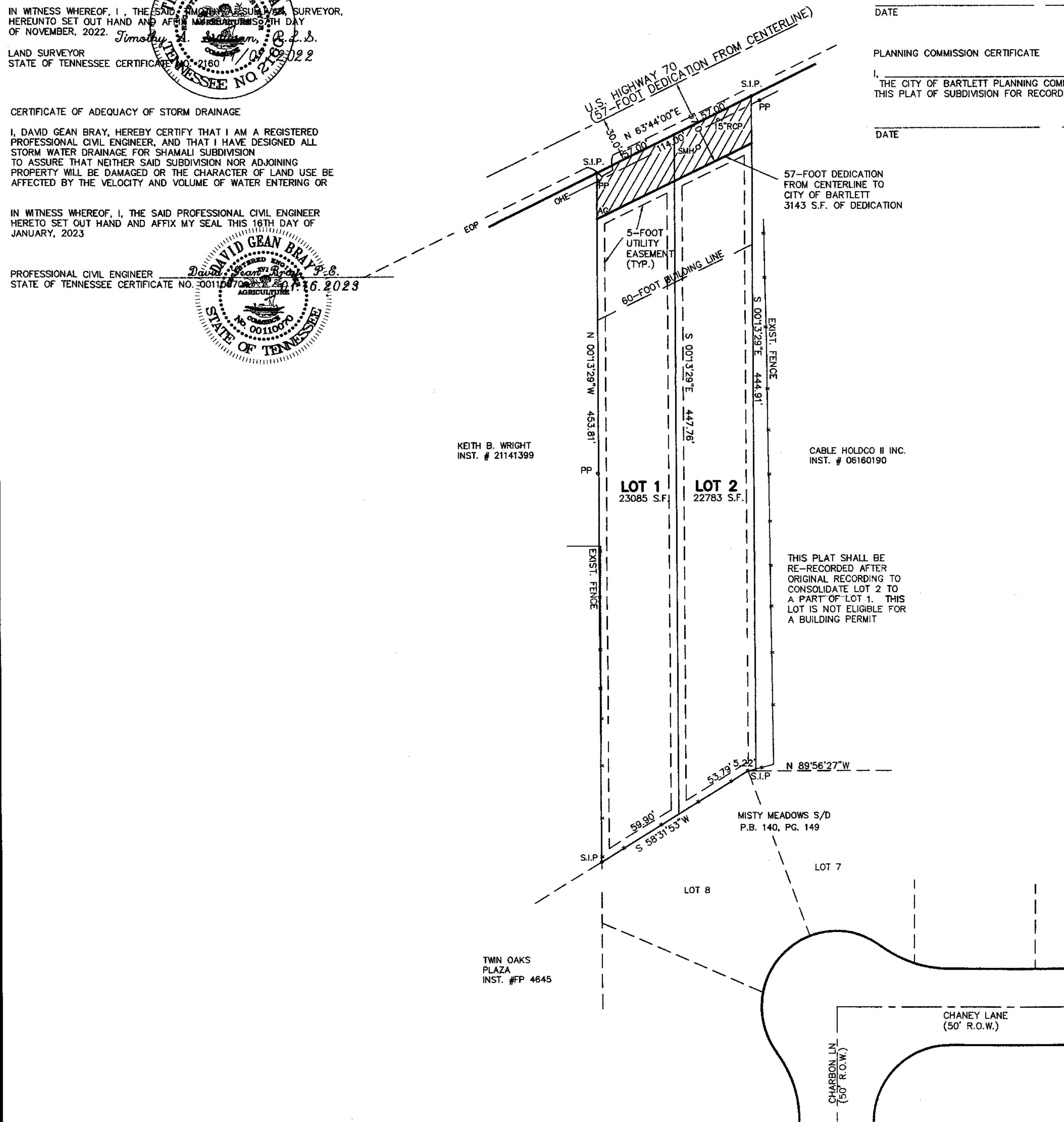
PLANNING COMMISSION CERTIFICATE

I, _____, DO HEREBY CERTIFY THAT THE CITY OF BARTLETT PLANNING COMMISSION HAS APPROVED THIS PLAT OF SUBDIVISION FOR RECORDING.

DATE _____ SECRETARY
BARTLETT PLANNING COMMISSION

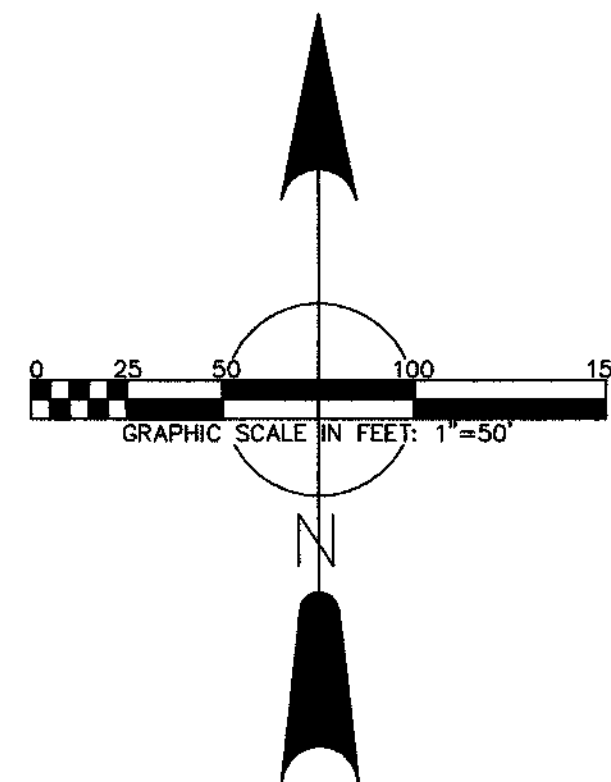


VICINITY MAP, N.T.S.



NOTES :

- SETBACKS
 - MIN. FRONT- 60 FEET
 - MIN. SIDE YARD- NONE
 - MIN. REAR- 20 FEET
- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD MAP #47157C0270F SEPTEMBER 28, 2007.
- IF SETTLEMENT OCCURS ALONG ANY OF THE THE PUBLIC EASEMENTS WITHIN THE PRIVATE PROPERTY, THE OWNER SHALL BE RESPONSIBLE FOR ALL REPAIRS. IN THE EVENT THAT "PUBLIC WORKS" HAS TO EXCAVATE TO REPAIR A LEAK IN A PUBLIC LINE, "PUBLIC WORKS" SHALL BE RESPONSIBLE FOR EXCAVATION, BACKFILL, COMPACTION AND BRINGING THE AFFECTED AREA UP TO GRADE WITH APPROPRIATE SUB-BASE MATERIAL, BUT THE OWNER SHALL BE RESPONSIBLE FOR ALL FINISH WORK INCLUDING, BUT NOT LIMITED TO ASPHALT, CONCRETE AND LANDSCAPING.
- DRIVEWAYS AND OTHER PERMANENT STRUCTURES/IMPROVEMENTS SHALL NOT BE PLACED IN SEWER, WATER, OR DRAINAGE EASEMENTS OR OVER SEWER AND WATER SERVICES LOCATED ON PRIVATE PROPERTY.
- THE CITY SHALL HAVE INGRESS/ EGRESS RIGHTS TO USE PRIVATE DRIVES AND YARDS FOR THE PURPOSE OF MAINTAINING ALL PUBLIC UTILITIES AND SHALL BEAR NO RESPONSIBILITY FOR THE MAINTENANCE OF SAID DRIVES AND YARDS.
- ALL NEW UTILITIES SHALL BE UNDERGROUND.



SHEET 1 OF 1
PRELIMINARY PLAT/FINAL PLAT
SHAMALI SUBDIVISION

BARTLETT, TENNESSEE

OWNER'S CERTIFICATE:

I, _____, OWNER OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS PLAT AS MY PLAN OF SUBDIVISION, AND DEDICATE THE STREETS, RIGHTS-OF-WAYS, EASEMENTS, AND RIGHTS OF ACCESS AS SHOWN AND /OR DESCRIBED TO THE PUBLIC USE FOREVER, AND HEREBY CERTIFY THAT I AM THE OWNER IN FEE SIMPLE, DULY AUTHORIZED TO ACT AND THAT SAID PROPERTY IS UNENCUMBERED BY ANY TAXES WHICH HAVE BECOME DUE AND PAYABLE.

MARWAN AND HANEEN SHAMALI

DATE

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY AT MEMPHIS, DULY COMMISSIONED AND QUALIFIED, PERSONALLY APPEARED _____ WITH WHOM I AM PERSONALLY ACQUAINTED AND WHO UPON OATH ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED AS HIS OWN FREE ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL, THIS _____ DAY OF _____, 2023.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

MARWAN AND HANEEN SHAMALI
7899 JILLS CREEK DRIVE
BARTLETT, TENNESSEE 38133

OWNER/DEVELOPER

THE BRAY FIRM
2950 STAGE PLAZA NORTH
BARTLETT, TN 38134
901-383-8668

ENGINEER

DATE: JANUARY 2023 SCALE: 1"=50' LOTS: 2 1.05 ACRES ZONED: C-H

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IN WITNESS WHEREOF, I, THE SAID LAND SURVEYOR, HAVE SET OUT HAND AND AFFIXED MY SEAL THIS 10TH DAY OF NOVEMBER, 2022.

LAND SURVEYOR
STATE OF TENNESSEE CERTIFICATE NO. 2160

CERTIFICATE OF ADEQUACY OF STORM DRAINAGE

I, DAVID GEAN BRAY, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL CIVIL ENGINEER, AND THAT I HAVE DESIGNED ALL STORM WATER DRAINAGE FOR SHAMALI SUBDIVISION TO ASSURE THAT NEITHER SAID SUBDIVISION NOR ADJOINING PROPERTY WILL BE DAMAGED OR THE CHARACTER OF LAND USE BE AFFECTED BY THE VELOCITY AND VOLUME OF WATER ENTERING OR

IN WITNESS WHEREOF, I, THE SAID PROFESSIONAL CIVIL ENGINEER HERETO SET OUT HAND AND AFFIX MY SEAL THIS 16TH DAY OF JANUARY, 2023.

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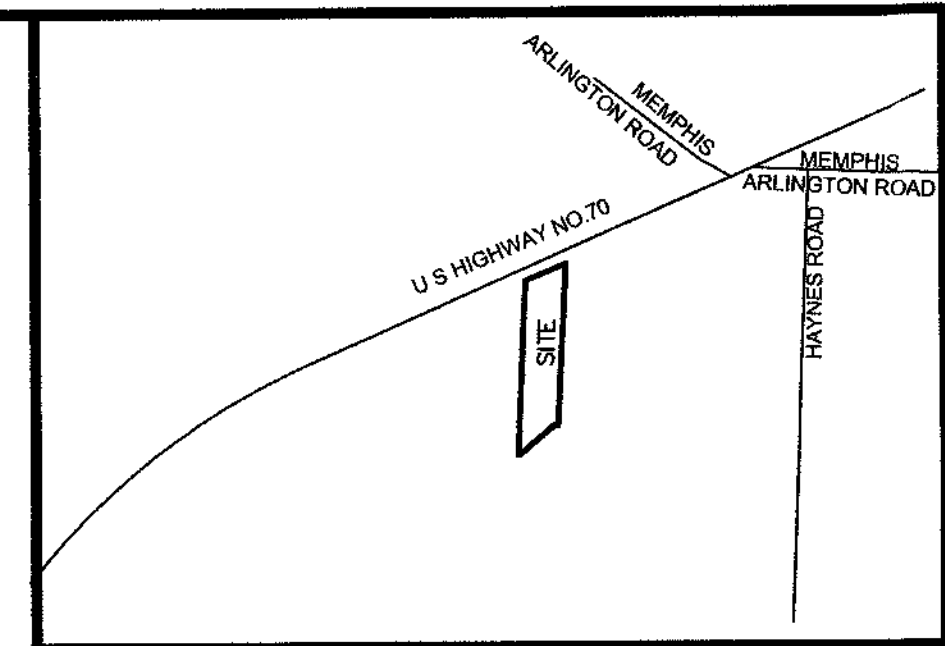
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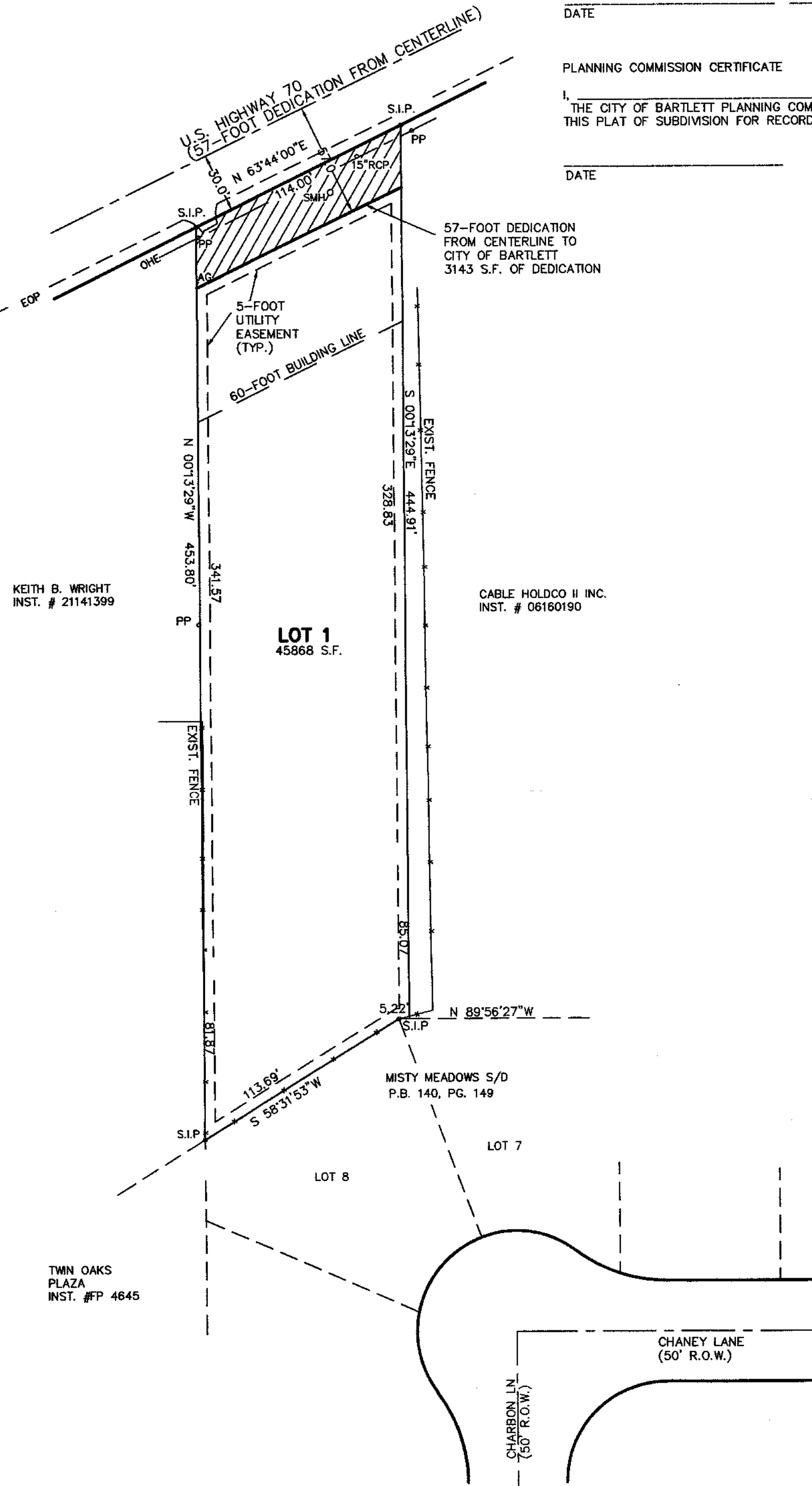
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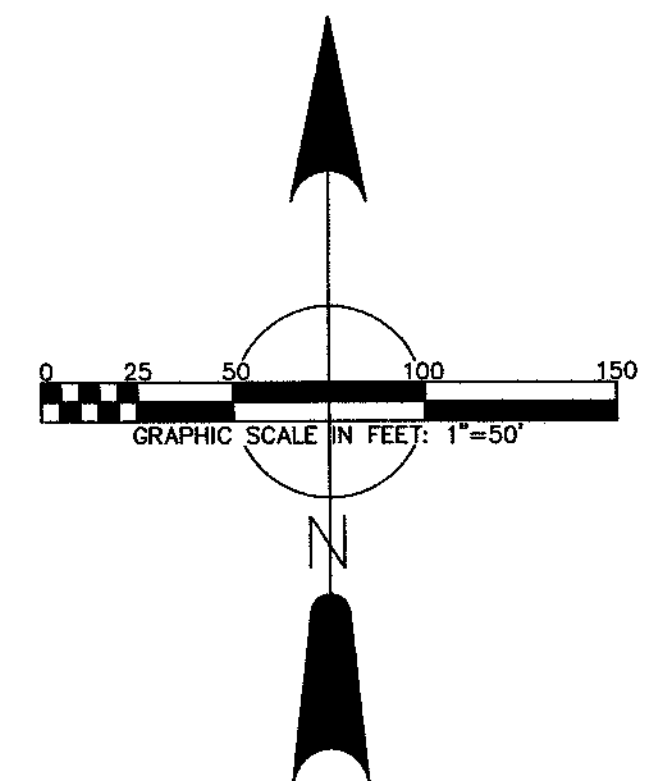


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ENGINEER

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