



City of Bartlett
David Parsons, Mayor

BOARD OF ZONING APPEALS AGENDA

Thursday, April 18, 2024 — 6:30 p.m.

Bartlett City Hall Assembly Chamber

Approval of Minutes and Findings of Fact of the November 16, 2023 meeting.

New Business **PUBLIC HEARING**

1. David Bray, with The Bray Firm, on behalf of the Lopez Grill, is requesting variances from the following: 1) the minimum green/open space requirement and 2) the minimum landscape screen requirement of the Bartlett Zoning Ordinance. The subject property is located at 5653 Stage Road within the "CG-MS" General Business with a Main Street Overlay Zoning District.

Discussion

Decision

Open Discussion

The public shall be provided an opportunity to address the Board or Commission during an Open Discussion period at the end of each regular and special meeting of the governing body. Prior to the start of the meeting, individuals will be required to complete and present to the Clerk the Open Discussion Citizen form provided at each meeting. The Open Discussion period for regular and special meetings of the Board or Commission shall be limited to twenty (20) minutes. Individuals shall be allowed to speak for up to three (3) minutes each. Open Discussion periods will not be held for any meeting where there are no actionable items on the agenda or meetings where the governing body is conducting a disciplinary hearing for a member of the governing body or a person whose profession or activities fall within the jurisdiction of the governing body.

Adjourn

BOARD OF ZONING APPEALS
THURSDAY, April 18, 2024 - 6:30 P.M.
Staff Comments

New Business
PUBLIC HEARING

- 1. David Bray, with The Bray Firm, on behalf of the Lopez Grill, is requesting variances from the following: 1) the minimum green/open space requirement and 2) the minimum landscape screen requirement of the Bartlett Zoning Ordinance. The subject property is located at 5653 Stage Road within the "CG-MS" General Business with a Main Street Overlay Zoning District.**

INTRODUCTION: David Bray, with The Bray Firm, on behalf of the Lopez Grill, is requesting variances from the following: 1) the minimum green/open space requirement and 2) the minimum landscape screen requirement of the Bartlett Zoning Ordinance. The subject property is located at 5653 Stage Road within the "CG-MS" General Business with a Main Street Overlay Zoning District.

BACKGROUND: In April 2021, the Planning Commission conditionally approved the site plan for the Lopez Grill. In May 2021, the Design Review Commission approved the site plan for the Lopez Grill. Both site plan approvals were identical in layout and size for the proposed 4,500 square foot Lopez Grill with the required 41 parking spaces, 37.9% (13,157.86 sq.ft.) green/open space, and no encroachments within the minimum building setbacks or minimum landscape screen requirements.

The applicant inquired about revising the location of the dumpster enclosure, and staff stated that would require both revised Planning Commission and Design Review Commission site plan approvals. Also, staff advised that any revised location must comply with maintaining the 35% minimum green/open space requirement and the 20 foot wide minimum landscape screen width requirement of the Bartlett Zoning Ordinance.

In February 2024, Code Enforcement was on site for an inspection and observed the revised drive aisle and dumpster enclosure location. A stop work order was issued since the revised layout did not obtain both Planning Commission and Design Review Commission site plan approvals. Upon further investigation, it was discovered on a revised site plan survey that the green/open space would be 33.23% (11,537.86 sq. ft.). This relocation would require a variance from the 35% green/open space requirement (12,151.06 sq.ft.), encroaching this requirement by 1.77% (613.2 sq.ft.). In addition, the dumpster enclosure is located 7.2 feet from the adjacent residential property and encroaching 12.8 feet within the 20

foot minimum landscape requirement for commercial properties adjacent to residential properties.

APPLICANT'S REQUEST/SUMMARY: This application is not based on special conditions and circumstances that exist which are peculiar to the lot such as a unique condition caused by the specific topography or geography of the subject property. This application is a result of the property owner relocating the dumpster enclosure from the site plan approved location without approval. This application will need two variances from the Bartlett Zoning Ordinance, which includes: 1) to allow a reduction from the minimum green/open space requirement from 35% to 33.23%, and 2) to allow a reduction from the minimum landscape screen requirement from 20 feet to 7.2 feet.

The Zoning Ordinance regulations citing the requirements are as follows:

- 1) Green/Open Space: Article VI, Section 23(Part III)(D)(5)(a) of the Bartlett Zoning Ordinance, "A minimum of thirty-five percent (35%) of the total land area of the lot, excluding building footprints and pavement, shall be in green/open space." The applicant is proposing thirty-three point twenty-three percent (33.23%) green/open space.
- 2) Landscape Screen between Single Family Residential and All Other Land Uses : According to Article VI, Section 23, Part III (D) (6) (a) [Tree and Landscaping, Development other than Single Family Residential] of the Bartlett Zoning Ordinance, a twenty foot deep (20') landscape screen, Plate 23D, shall be provided at the boundary between single family residential use (or zoning, if the land is vacant) and all other land uses, on the property of the other use. The applicant is requesting a seven point two (7.2) foot landscape screen width.

Should the Board of Zoning Appeals grant these variances, then 1) the amount of required green/open space for the subject property will be reduced from thirty-five percent (35%) to thirty-three point twenty-three percent (33.23%), resulting in a one point seventy-seven percent (1.77%) variance; 2) the required Landscape Plate 23D along the west property line will be reduced from the required twenty (20) feet to seven point two (7.2) feet resulting in a twelve point eight (12.8) foot variance for the property located at 5653 Stage Road.

Comments:

1. The applicant must obtain Site Plan approvals from both the Planning Commission and Design Review Commission.

ACTION: MOTION BY _____ SECONDED BY: _____

Proposed Motion: To approve the request for the following variances 1) to allow thirty-three point twenty percent (33.23%) green/open space resulting in a one point seventy-seven percent (1.77%) variance; 2) to allow the required Landscape Plate 23D along the west property line to be reduced from the required twenty (20) feet to seven point two (7.2) feet resulting in a twelve point eight (12.8) foot variance for the property located at 5653 Stage Road, subject to conditions.

VOTE:	Conroy	Burton	Hunt	King	Kaiser
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 5653 Stage Rd.

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

attached letter

Property Owner Gustavo Vasquez Phone 419-788-1224

Company Name _____ Fax _____

Address 3708 Ramon Rd, Memphis, TN 38128

Applicant David Bray Phone 901-383-8668

Company Name The Bray Firm Fax _____

Address 2950 Stage Plaza North, Bartlett, TN 38134

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

Email Address dbray@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.

GUSTAVO LOPEZ (print name) GUSTAVO LOPEZ (signature) 3-21-24 (date)

RECEIVED

MAR 21 2024

CITY OF BARTLETT

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

The Bray Firm

Telephone 901-383-8668
2950 Stage Plaza North
Bartlett, Tennessee 38134

March 21, 2024

Sam Harris
City Planner
City of Bartlett
Bartlett, Tennessee

RE: Lot 1, Polk Subdivision (Unrecorded)
5653 Stage Road

Mr. Harris;

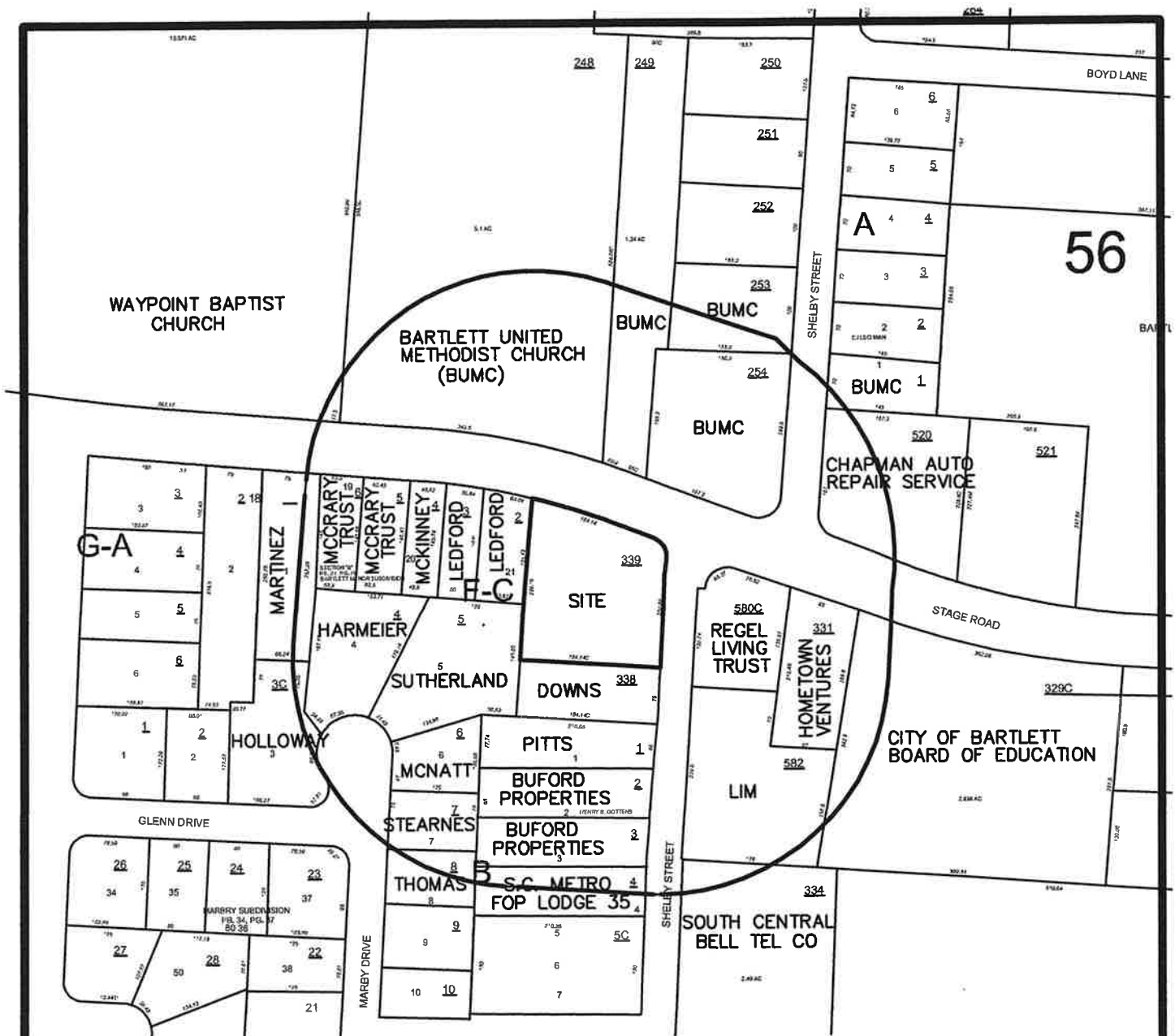
Per our discussions, we are requesting a two variances for the above referenced site. Both requests involve the placement of the dumpster on the south side of the proposed building at the west corner of the building rather than closer to the east corner of the building as originally drawn. The first variance is to allow encroachment into the required landscape screening between commercial and residential property along the west property line. The proposed rear of the dumpster enclosure will be only 7.4 feet from the west property line at this location. This area abuts the rear of the property located at 2864 Marbry which is heavily treed in this area. The zoning map separating the RS-10 and C-G zoned properties has a jog in this area with most of the area south of the subject property extending another 40 feet west of the edge of the zoning line in this immediate area. The impact on the adjacent property will be minimal. The applicant has spoken to the impacted property owner who does not object to this request. The second variance is related to the 35% greenspace requirement for the lot. The additional paving in this area to access the proposed dumpster will reduce the greenspace area to 34.2 percent. The site is enhanced in this variance request in that the dumpster enclosure will be located farther from Shelby Street than originally proposed. The location of the dumpster in this area will provide a more functional service area on the south side of the building for trash disposal and site deliveries.

Thank you for considering this request. If you have any questions or need any additional information, please feel free to call.

Sincerely,



David Gean Bray, P.E.



**BZA APPLICATION
5653 STAGE ROAD
APPLICANT: GUSTAVO VASQUEZ
BARTLETT, TENNESSEE**

PREPARED BY THE BRAY FIRM

LAND DEVELOPMENT SERVICES
2950 STAGE PLAZA NORTH
BARTLETT, TENNESSEE
MARCH 19, 2024

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

Gustavo Vasquez
3708 Ramill Rd.
Memphis, TN 38128

The Bray Firm
2950 Stage Plaza North
Bartlett, TN 38134

Owner

Engineer

John V & Patti L Ledford
2874 Shelby St.
Ste. 201
Memphis, TN 38134-4579

John V & Patti L Ledford
1086 Woodland Glen Dr.
Cordova, TN 38018

Michael D McKinney
5635 Stage Rd.
Bartlett, TN 38134-4476

Judith H McCrary Living Trust
5400 Kimbark Woods Dr.
Bartlett, TN 38134-5336

Steve Martinez & Marilyn Martinez-
Bardonner
5617 Stage Rd.
Bartlett, TN 38134-4476

Ronald E & Laura J Holloway
5616 Glenn Dr.
Memphis, TN 38134-4416

John J Harmeier
3868 Marbry Dr.
Bartlett, TN 38134-4420

Christopher Sutherland & Morgan
Edwards
3864 Marbry Dr.
Bartlett, TN 38134-4420

Donna McKnatt
2858 Marbry Dr.
Bartlett, TN 38134-4420

Christopher Stearnes
2852 Marbry Dr.
Bartlett, TN 38134-4420

John Thomas
12167 Preserve Woods Ln.
Arlington, TN 38002-4597

Shelby County Metro Fraternal Order of
Police Lodge 35
P.O. Box 58
Ellendale, TN 38029-0058

Buford Properties LLC
2851 Shelby St.
Bartlett, TN 38134-4597

Buford Properties LLC
2857 Shelby St.
Bartlett, TN 38134-4597

Max & Debra Pitts
2861 Shelby St.
Bartlett, TN 38134-4509

Larry & Linda Downs
2873 Shelby St.
Memphis, TN 38134-4509

South Central Bell Telephone Co.
P.O. Box 532
Birmingham, AL 35201

Khoik & Lorrean Lim
5960 Barrentine Dr.
Bartlett, TN 38134-5501

Regel Living Trust
7003 8th Rd.
Memphis, TN 38135-2508

Hometown Ventures LLC
5689 Stage Rd.
Bartlett, TN 38134-4552

City of Bartlett Board of Education
5705 Stage Rd.
Bartlett, TN 38134

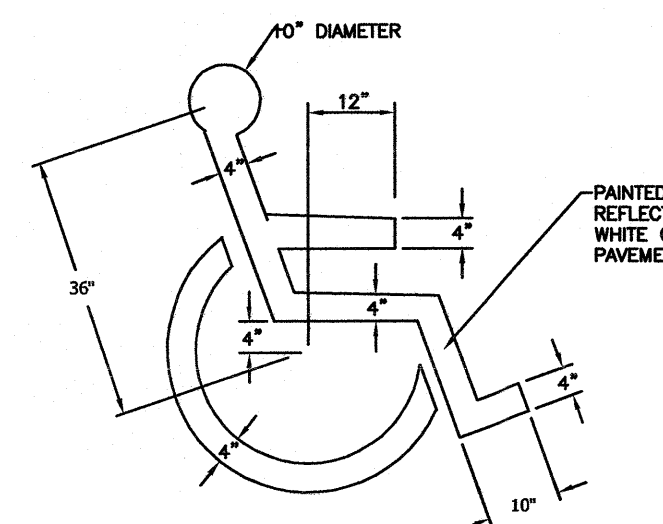
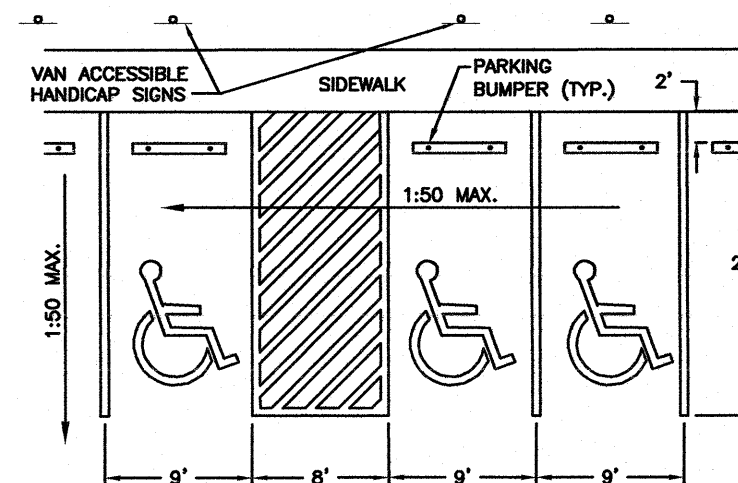
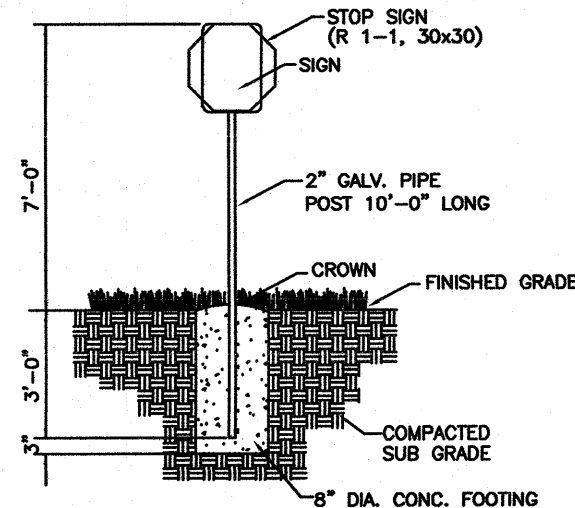
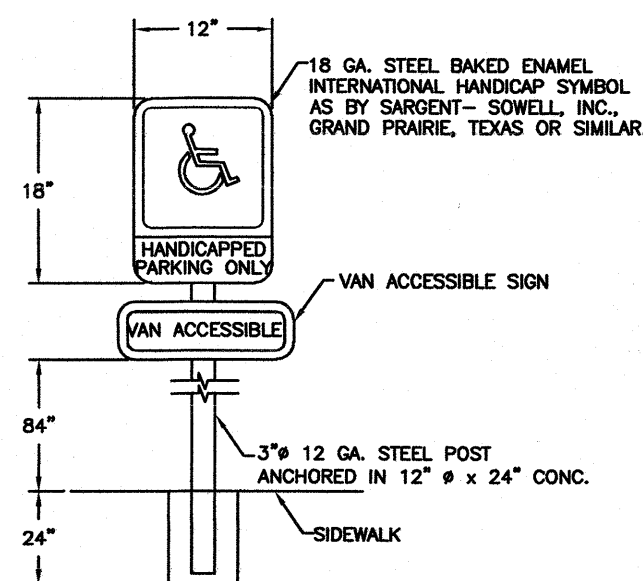
5653 Stage Rd.
Page 2 of 2

Chapman Auto Repair Service Inc.
5694 Stage Rd.
Bartlett, TN 38134-4516

Bartlett United Methodist Church Inc.
5676 Stage Rd.
Memphis, TN 38134

Waypoint Baptist Church
P.O. Box 641549
Bartlett, TN 38134-1549

- UNDERGROUND SEWER — SA — SA — SA — SA — SA — SA — SA — SA —
- UNDERGROUND WATER — F — F — F — F — F — F — F — F —
- OVERHEAD ELECTRIC — OE — OE — OE — OE — OE — OE — OE — OE —
- UNDERGROUND ELECTRIC — UE — UE — UE — UE — UE — UE — UE — UE —
- UNDERGROUND GAS — G — G — G — G — G — G — G — G —



The recommendations for pavement sections are as follows:

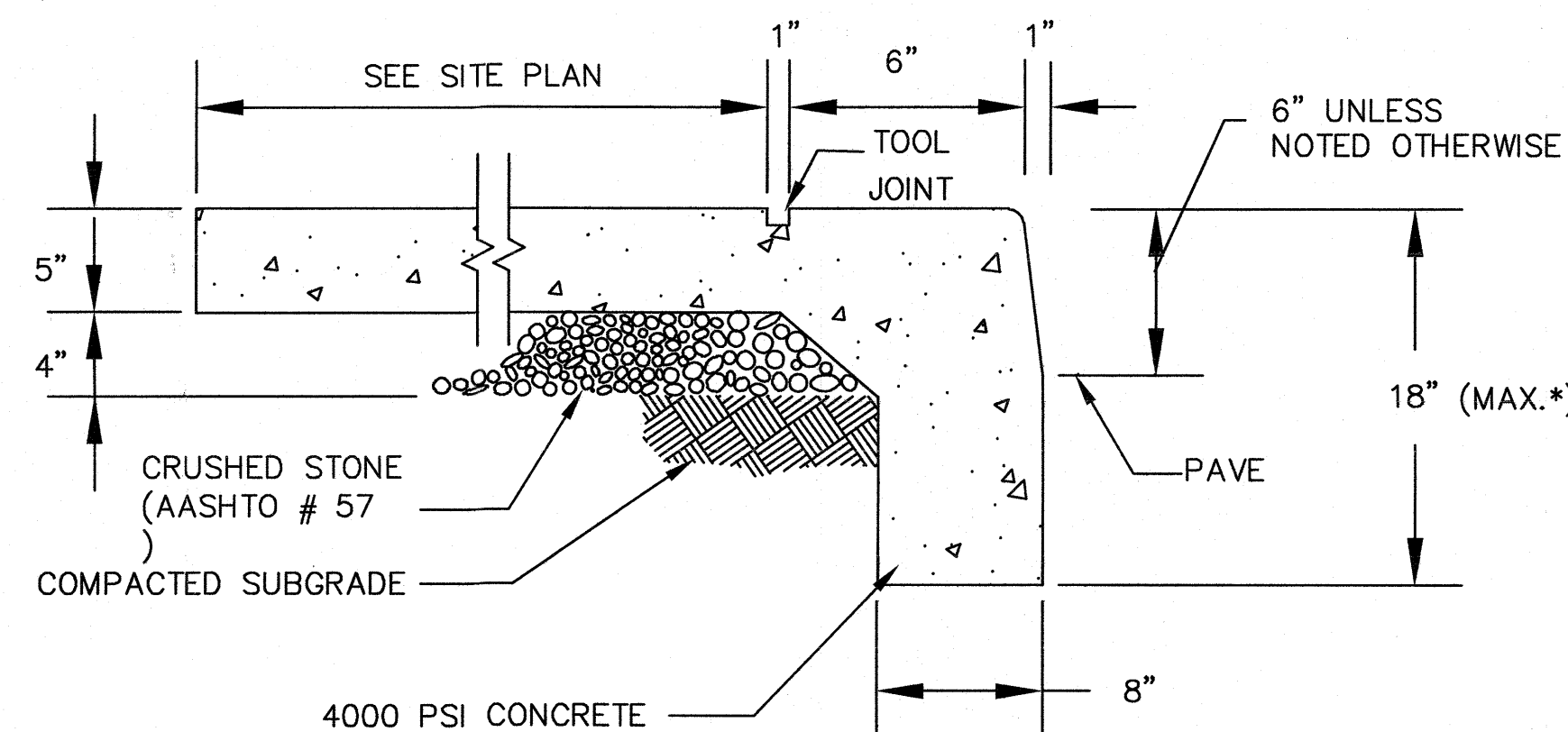
FLEXIBLE PAVEMENT

- 1.0 inches wearing course Hot Mix Asphaltic Concrete
- 2.0 inches binder course Hot Mix Asphaltic Concrete
- 6.0 inches Soil Cement Base or
- 8.0 inches Crushed Stone Base

RIGID PAVEMENT

- 5.0 inches Portland Cement Concrete
- 6.0 inches Granular Sub Base (optional)

Dumpster areas shall have be 7.0 inches.

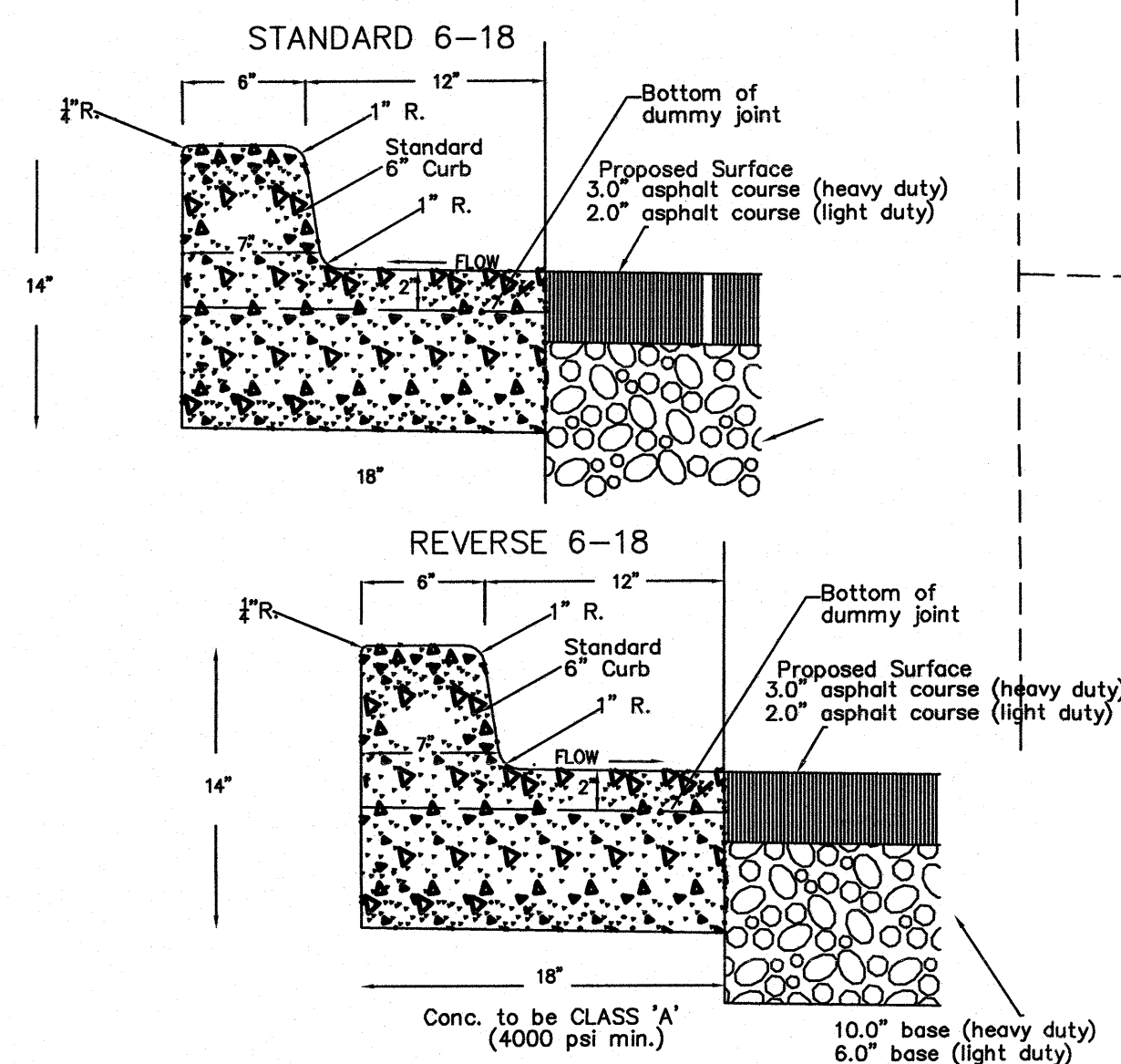


* 18" MAX., 12" MIN., DEPENDING ON CURB REVEAL DIMENSION

INTEGRAL SIDEWALK/CURB DETAIL

SITE DATA:

PROPOSED USE:	RESTAURANT
SITE AREA:	0.797 ACRES
BUILDING SIZE:	4500 S.F.
FAR:	0.13
REQUIRED OPENSOURCE:	35% 12, 151.06 sq. ft.
PROVIDED OPENSOURCE:	34.2% 33, 233 1,537.86 sq. ft.
PARKING REQUIRED:	41 SPACES
PARKING PROVIDED:	41 SPACES (2 ADA)

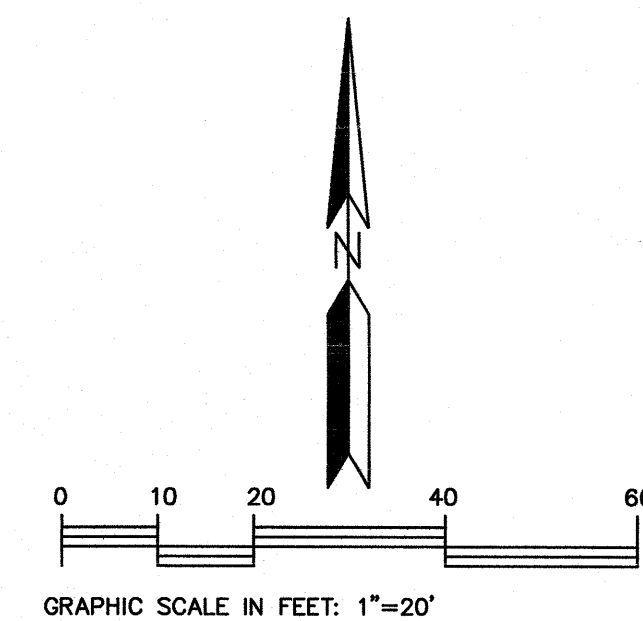


- NOTES:
1. Pre-cut exp. joints material shall be in all exp. joints.
 2. Dummy joints shall be installed at 10ft. Intervals, maximum.
 3. Exp. joints shall be installed at 40ft., maximum.
 4. Exp. joints shall be installed at ends of radius.
 5. Exp. joints shall be located a minimum of 5ft. from inlet structures.

NOTE: THIS SITE PREVIOUSLY CONTAINED A SFR WITH WATER AND SEWER SERVICE. CONTRACTOR SHALL RE-USE EXISTING SEWER SERVICE. A NEW WATER SERVICE AND METER WILL BE REQUIRED.

INSTALL NEW CONCRETE APRON (30-FOOT THROAT); LOCATE SIDEWALK ALONG REAR OF APRON AND MAINTAIN 2% CROSS SLOPE ACROSS WALK.

THIS PROPERTY IS NOT LOCATED WITHIN AN AREA
DESIGNATED AS A "SPECIAL FLOOD HAZARD AREA"
BASED FIRM COMMUNITY PANEL NUMBER 47157C0303G
DATED FEBRUARY 6, 2013. BFE: 264

[illegible]

LOT 1, POLK SUBDIVISION (UNRECORDED)
5653 STAGE ROAD
DEVELOPER: GUSTAVO VASQUEZ
ENGINEER: THE BRAY FIRM

DIVISION OF ENGINEERING
SITE PLAN
5653 STAGE ROAD
BARTLETT, TENNESSEE

SURVEY: TBF DATE: 1-2021 BOOK: _____

DESIGN: TBF DATE: 1-2021 SCALE 1"=20'

REVIEWED BY _____

CITY ENGINEER DATE