

Several neighbors and I will speak at the Memory Lane variance appeal hearing, but we thought it best to provide you with a short summary of the issues surrounding the case, so that you can begin to digest all the important and sometimes tedious issues. **Variance Case – V-20-051**

1. The variance decision was based almost exclusively on one question; whether the property in question is *two lots or only one lot*. We will present evidence that clearly shows that **for 66 years**, this property had one owner and one annual property tax bill; the deed says so, the county tax records say so, insurance documents verify, the city records say so, and even the purchaser acknowledged so when they bought the lot. The applicant has gone all the way back to the original owner, Frank Collier, and has provided a plat which appears to have been drawn in 1948 or 1949. Back then, many buyers bought 2 lots and consolidated them into one, and that is what the Melton's did. Therefore, the variance decision was based on incorrect information.
2. In February of this year, Smyrna P&Z AND city council ruled in favor of *one house on one lot and R-20 zoning*. The applicant's new attorney found a way to potentially reverse that decision through the variance process, IF it is accepted that two lots exist here rather than one.
3. If the variance decision stands, this sets a precedence and future developers that have their request denied by council, will be able to ask for a *variance* as a way to get around council's decision. Consider the ramifications.
4. In order to approve a variance, a hardship must exist. The applicant has stated and staff has agreed that a *hardship* exists. **But it does not**. The hardship stated, is that this property was misidentified by the city as ONE LOT...but it IS one lot. Again, this will be fully discussed in #1 above.
5. There are several other points that may be presented that are worth considering, though less relevant to the variance decision. (A). the out-of-character size (5,300 s.f.) of two large homes on one lot in this neighborhood. (B). the misrepresented facts told to Ms. Melton to get her to sell. The developer's spokesperson even stated, "It doesn't matter what was said. Once we close on the property, we can do whatever we want." Think about that....please.

And remember...FOR 66 YEARS THIS WAS CONSIDERD BY EVERYONE TO BE ONE LOT...NOT TWO. Thanks, Mike Terry

Mike