Administration Building

Council Chambers

308 Fountain Circle

May 16, 2017

6:00 p.m.

**BOARD OF ZONING ADJUSTMENT**

Members Present:

Mr. Martin Sisson – Chairman

Mr. Bert Peake – Vice Chairman

Mr. Fred Coffey

Dr. Dave Branham

Mr. Harry Garber

Others Present:

Mr. Jim McGuffey, City of Huntsville Planning Services

Mr. Travis Cummings, City of Huntsville Zoning Administration

Mr. Allan Priest, City of Huntsville Zoning Administration

Mrs. Jon Johnson, City of Huntsville Zoning Administration, Recording Secretary

Sergeant Jonathan Ware, Huntsville Police Department

The regular meeting of the Board of Zoning Adjustment was called to order by Chairman Sisson at the time and place noted above.

Chairman Sisson explained the procedures of the Board of Zoning Adjustment to those present, advising that any decision made by the Board may be appealed to Circuit Court within 15 days from this date and that any variance or special exception requires four affirmative votes as set by State law. Any variance or special exception granted must be exercised within six months by obtaining the proper permit. Also, if the Board denies a request, the appellant would have to wait six months before reapplying for a variance unless there was a significant change in the appellant’s request.

Chairman Sisson then called the extension items.

**Case No. 7637-7** **1042 Winchester Road NW, Unit D**; A special exception to allow alcoholic beverage sales between the hours of midnight and 2:00 a.m. for a Restaurant Liquor Retailer and a special exception to allow patio seating for a Restaurant Liquor Retailer, Tony Lee Bishop, appellant. Mr. Priest stated the location of the property and said the request will require a special exception to allow expanded hours of service for on-premise alcohol sales until 2:00 a.m. and a special exception to allow patio seating for a Restaurant Liquor Retailer. According to Article 92.5.3 (18) of the Zoning Ordinance, expanded hours for on-premises retail sale, service, dispensing, or consumption of alcoholic beverages in a Neighborhood Business C1 Zoning District between midnight and 2:00am are permitted by special exception.

Mr. Tony Bishop appeared before the Board. Chairman Sisson stated this is the seventh year for this special exception and asked if any changes have been made to the operation of the business. Mr. Bishop stated that no changes have been made. Chairman Sisson asked if the City has received any complaints. Mr. McGuffey stated the City has not received any complaints. Chairman Sisson asked Sgt. Ware if there have been any issues at this property. Sgt. Ware stated the Police Department does not have any issues.

A motion was made by Dr. Branham and seconded by Mr. Coffey to approve a special exception for expanded hours for on-premises retail sale, service, dispensing, or consumption of alcoholic beverages until 2:00 a.m. for a Restaurant Liquor Retailer and a special exception for patio seating for a Restaurant Liquor Retailer for this appellant only and for one year only. **Approved unanimously**.

**Case No. 8668-1 3702 Oakdale Ct NW,** A special exception to allow a group child care home, Deneishia Jackson for Stephen R. Davis, appellant. Mr. Priest stated the location of the property and said the request will require a special exception to allow a group child care home in a Residence 1A Zoning District.

Mr. Cummings stated this case was approved previously on April 19, 2016 for a group child care home. Mr. Cummings stated the City has not received any complaints. Chairman Sisson asked Ms. Jackson how many children she can keep at her group child care home. Ms. Jackson stated she can keep up to 8 but no more than 12 children. Mr. Coffey asked how many children attend her day care. Ms. Jackson stated only 9 children at the present time. Vice-Chairman Peake asked Ms. Jackson how many letters were mailed out. Ms. Jackson stated she mailed out 20 letters and received no responses back. Chairman Sisson asked Ms. Jackson what was her plans for the future. Ms. Jackson stated she is currently in the process of looking for a building to do her daycare center.

A motion was made by Vice-Chairman Peake and seconded by Dr. Branham to approve a special exception to allow a group child care home in a Residence 1A Zoning District with the following stipulation: approval for this appellant only and for three years only. **Approved unanimously.**

Chairman Sisson then called the regular agenda items.

**Case No. 8808** **7025 Cabela Drive NW**; Ken Siegrist of Coast Graphics and Signs, Inc., appellant. Mr. Priest stated the location of the property and said the request will require a an additional 24 square feet of building mounted signage, a 10 inch height variance, and a 32 square ft. size variance for an accessory ground sign, an additional accessory ground sign, a 45 ft. height variance and a 275 square ft. size variance for an accessory ground sign. According to Article 72.4.11 (b) of the Zoning Ordinance, where a building contains a single tenant, the tenant may have one building mounted sign up to a maximum of one hundred and fifty (150) square feet. Also one detached ground identification sign per building not to exceed thirty-two square feet with a maximum height of five feet, including a base of no more than one foot in height is required.

Chairman Sisson stated he will recall this case at the end of the meeting because no one appeared to present this case.

**Case No. 8809 800 Dr. Joseph E. Lowery Blvd SW;** A use variance to allow a veterinary clinic; Geoffrey Harriman of Huntsville Veterinary Specialists & Emergency, LLC, appellant. Mr. Priest stated the location of the property and said the request will require a use variance to allow a veterinary clinic in a General Business C-3 Zoning District.

Mr. Geoffrey Harriman appeared before the Board. Mr. Harriman stated to the Board that several neighbors, Mr. Carey Busbin and Ms. Sheila Brown wrote letters in support of this variance. Also, Mr. David Spillers of Huntsville Hospital wrote a letter in support of this variance. Mr. Harriman stated they are a specialty hospital and not a veterinary clinic. Mr. Harriman and Dr. Plunkett are Board Certified in Surgery for animals. Mr. Harriman explained they are functioning on a referral basis from other local, Southern Tennessee and Northern Birmingham veterinarians. Mr. Harriman further explained they are not a boarding facility. They will do surgeries on small animals such as dogs and cats. Also, the different types of procedures that will be done are orthopedic, soft tissue, neurological cases, hip surgeries, fractures, ACL repairs, thoracic surgeries, liver cases, cardiovascular surgeries, major GI surgeries, plastic reconstruction, disc herniation, and spinal fracture luxation. Mr. Harriman believes with this variance it will provide a well-rounded medical district.

Mr. Coffey asked the City why an animal clinic is not allowed in a General Business C-3 Zoning District. Mr. Cummings stated that medical facilities are allowed in a General Business C-3 Zoning District but animal clinics are not. Mr. Cummings stated the City felt that this variance should be heard before the Board because of the specific nature of his treatment and it is not a traditional veterinarian clinic. Mr. Coffey also asked where veterinary clinics are permitted. Mr. McGuffey stated in Highway Business C-4, Light Industry, and Heavy Industry Zoning Districts. Mr. McGuffey further stated normally with clinics you have noise issues and other nuisance issues. However, as Mr. Harriman has stated they will only see patients as needed and there will be no animals housed outside, because the area adjacent to a power substation. The animals will go outside on an individual basis for bathroom purposes only by a technician on a leash. Mr. Harriman explained an artificial turf with an advanced drainage system will be put in to collect the urine and go directly into the sewer system. Also, any kind of fecal material will be collected and disposed of immediately. Mr. Harriman explained on the inside the animals will have separate K-9 and feline wards.

Chairman Sisson asked if this was a new building or an existing building. Mr. Harriman stated it is an existing building, which was the old Southerland building. Chairman Sisson asked if they would be expanding the building or was it enough square footage to use with what he was doing. Mr. Harriman stated they have enough space, which is 8600 square footage that they have on a five year lease with two three year renewals. Mr. Harriman stated in the future he and Dr. Plunkett would like to bring in internists, neurologist, cardiologist, critical care specialist and oncologists to act as a specialist in their facility. Mr. Coffey asked what the hours of operation will be. Mr. Harriman stated the hours of operation will be Monday through Friday, from 7:00 a.m. to 7:00 p.m. Also, they will have an overnight technician to look after the patients. However their long term goal is to be a 24-hour role business to provide after hour care. Mr. McGuffey stated they are otherwise compliant with everything else. Dr. Branham asked Mr. Harriman exactly how many animals will be in the building at capacity. Mr. Harriman stated between 8-12 patients on a day to day basis. Vice-Chairman Peake asked Mr. Harriman if he currently performs these services anywhere else. Mr. Harriman stated he is currently staffed at a referral hospital in Decatur which is a surgical only facility. Dr. Plunkett is a mobile surgeon and performs surgeries at different practices in the Huntsville area.

A motion was made by Mr. Coffey and seconded by Mr. Garber to approve a use variance to allow a Veterinary Specialty Hospital with the stipulation that the boarding of animals is not permitted. **Approved unanimously.**

**Case No. 8810 1520 McCullough Ave NE;** The location of a structure and lot coverage;Keith Watson for Elizabeth A. Shinn, appellant. Mr. Priest stated the location of the property and said the request will require a 1 foot side yard setback variance and a 3 percent lot coverage variance. According to Article 16.2 of the Zoning Ordinance, a 4 foot side yard setback and a 40 percent maximum total buildable area is required.

Mr. Watson appeared before the Board. Mr. Watson explained the homeowner would like to put a breezeway in and extend his front porch. Mr. Watson stated the front porch gable and breezeway comes out 6 feet. Chairman Sisson asked Mr. Watson if everything in front yard was compliant. Mr. Cummings stated yes the front yard is in compliance. Mr. Watson further explained the variance that they are concerned with is the carport that will cover the breezeway and porch. Mr. Cummings explained the 1 foot side yard that is needed is located on the left hand side of property. Also, the adjacent neighbor came by the office to see the plans and had no complaints. Dr. Branham asked how far away from the property line is the existing carport. Mr. Cummings stated the existing carport is 5 feet away from the property line currently and will allow them to go 2 feet closer from what already exists.

Dr. Branham asked if the lot is substandard in size in any way. Mr. Cummings stated due to the

existing structure and location they don’t have many options. Dr. Branham asked about the lot coverage. Mr. Cummings stated the lot coverage is over 3%. Mr. Cummings stated they have an existing garage and pergola in the rear yard that is open air that the owner plans to in the future to cover it. Chairman Sisson asked what the history was that the Board has done in this area. Mr. McGuffey stated the City has modified Residence 1C Zoning District from 35% to 40% lot coverage and has been firm with the 40%. Chairman Sisson asked how wide the walkway from the carport to the porch was. Mr. Watson stated it is 6 foot 5 inches to the foundation. Chairman Sisson also asked were there any plans to remove the shed. Mr. Watson stated sure if the owner needed to remove it. Vice-Chairman Peake asked exactly what is in the garage in the rear. Mr. Watson stated he was not sure but thought it had family heirlooms in it. Mr. Cummings stated when the owner came into the office he stated that the garage was not wide enough for a vehicle. Chairman Sisson asked if the setbacks were compliant. Mr. McGuffey stated the setbacks are compliant. Dr. Branham stated there is no need of going over the 40% maximum build area.

A motion was made by Mr. Garber and seconded by Vice-Chairman Peake to approve a 1 foot side yard setback variance as presented. **Approved unanimously.**

**Case No. 8811 701 Triana Blvd NW;** The location of a structure, Ron Olkiewicz, appellant. Mr. Priest stated the location of the property and said the request will require an 11 foot secondary front setback variance. According to article 73.8.2 of the Zoning Ordinance, on corner lots detached accessory structures shall not be located closer to a street than the minimum building line.

Mr. Olkiewicz appeared before the Board explaining he would like to build a garage/shop onto his property, which is on the corner of Loren Dr. and Triana Blvd. Chairman Sisson asked what the distance was from the back of the proposed garage and tree. Mr. Olkiewicz stated it is 4 feet. Mr. Coffey asked how his house was oriented on the lot. Mr. Olkiewicz stated it is a 45 degree angle to Triana Blvd. Mr. Olkiewicz stated so that is why the setback is 25 feet on both the front of Triana Blvd. and Loren Dr. So, Mr. Olkiewicz stated it is 12 feet from the property line to Loren Dr, and that is why he is asking for the face of the garage to be 12 feet from property line or 24 feet from Loren. So, Mr. Olkiewicz further explained that is why he is asking for the face of the garage to be 25 feet further back and that would put the front of the garage 37 feet from Loren Dr. Mr. Coffey asked if the property has 2 front yards. Mr. Cummings stated yes. Mr. Olkiewicz stated he would like to keep the tree to build a treehouse in the future. Chairman Sisson asked the City about the secondary fronts. Mr. McGuffey stated Mr. Olkiewicz has to be 30 feet from the front yard and since his house is at a 30 degree angle facing the corner he gets a 5 foot reduction. Chairman Sisson asked the City so Mr. Olkiewicz will get a 25 foot reduction on both sides. Mr. McGuffey stated yes. Vice-Chairman Peake asked if the side yard setbacks and lot coverage was compliant. Mr. McGuffey stated yes they are compliant. Mr. Olkiewicz stated he would have to take down one tree to meet the requirements for the setbacks. Mr. Olkiewicz stated the right-of-way was 50 feet on Loren Dr and 80 feet on Triana Blvd. Vice-Chairman Peake asked if would be using the garage to park a car with access from Loren Dr. Mr. Olkiewicz stated he will use the garage to park a car, motorcycles and a shop to rework furniture.

Chairman Sisson asked how busy the traffic on Triana Blvd. was. Mr. Olkiewicz stated the traffic is very busy on Triana Blvd that is why he would want the garage/shop on Loren Dr. Mr. Cummings stated there is a 28 ft of right of way on his property. Chairman Sisson stated there is an unusual wide right of way that is not on the other side of the street. Chairman Sisson asked the City why the right of way was that way. Mr. McGuffey stated more than likely when the developer developed this area this right of way was more of an access point for the neighborhood and probably had planned to improve the width of street but it never came into fruition. Chairman Sisson asked if the City had any plans to improve the street. Mr. Coffey asked if it would be possible to vacate the easement. Mr. McGuffey stated Mr. Olkiewicz would have to get consent from adjoining owner as well. Dr. Branham asked if he will be in compliance if the right of way was vacated. Chairman Sisson stated he will be close. Chairman Sisson asked the Board for any questions or comments. No comments were made. Chairman Sisson explained to Mr. Olkiewicz about continuing this request for 30 days to further look into vacating or extending right of way that will increase his property. Mr. Olkiewicz stated he would like to continue this case for 30 days.

**Case No. 8812 419 Eustis Ave SE;** The location of a structure and lot coverage;David Ely for Sheila Irby, appellant. Mr. Priest stated the location of the property and said the request will require a 23.5 foot rear yard setback variance. This request will also require a 12 percent lot coverage variance. According to Article 12.2 of the Zoning Ordinance, a 35 foot rear yard setback is required and a maximum 40 percent maximum buildable area is required.

Mr. Ely appeared before the Board with Mr. & Mrs. Irby. Mr. Ely explained they would like to build an addition onto the rear of their home with a carport underneath to give them a secure access and to protect their cars. Mr. Ely explained that there once was a city alley behind the property but the neighbors quick-claimed it and that made the Irby’s lot smaller. Mr. Cummings stated the garage that is located at the rear of the property belongs to the neighbor and the Irby’s lot is smaller than the average lots in this area. Chairman Sisson stated the lot is 46 ½ x 120. Mr. McGuffey stated their lot is 5580 sq. ft and the zoning regulations state they have to be 7500 sq. ft. and they are well under the minimum lot size for this zoning district. Chairman Sisson asked if this is consistent with what the Board has seen before. Mr. McGuffey stated yes it is. Chairman Sisson asked the City for any concerns or comments. Mr. McGuffey stated the City has no concerns. Mr. McGuffey asked the Irby’s if they have been approved by the Historic Board. Mr. Ely stated yes. Chairman Sisson asked the Board for any concerns or comments. Vice-Chairman Peake stated the Irby’s have some sort of a hardship condition because they don’t have access to the same benefits to what their neighbors have in lot size due to the neighboring garage being at the rear of their property.

A motion was made by Vice-Chairman Peake and seconded by Mr. Garber to approve a 23.5 foot rear yard setback variance and a 12 percent lot coverage variance due to the fact the lot is substandard in size. The motion passed as Chairman Sisson, Vice Chairman Peake, Mr. Coffey, and Mr. Garber voted in favor of the motion; Dr. Branham did not vote in favor of the motion.

**Case No. 8813 300 Kohler Rd SE;** A variance for the size and location of signage in addition to a special exception for an electronic display sign in a Residential 1A Zoning District; Dr. Charles M. Freeman, Senior Pastor of Hillwood Baptist Church, appellant. Mr. Priest stated the location of the property and said the request will require an additional 54 square feet and a variance for the location of an electronic display sign in a Residence 1A Zoning district. According to Article 72.4.1 (2) of the Zoning Ordinance, a maximum of 40 square feet for a monument sign is required.

Dr. Charles Freeman appeared before the Board. Mr. Freeman stated they recently purchased a digital sign from one of their members. Dr. Freeman stated they were unaware that they needed a sign permit to erect the sign because the same permanent housing has been there for 40 years. Dr. Freeman also explained they have changed the sign out several times and attached it to the same permanent housing. Dr. Freeman stated the permanent housing is 8 ft x 11feet 9 inches in dimension which is located one block off of South Memorial Parkway on Kohler Rd which is zoned Light Industrial. Dr. Freeman stated they are visible from South Memorial Parkway and they are not on a major arterial road. Dr. Freeman explained they were approached from the City Sign Inspector, Mr. Phares about the erection of the digital sign. Dr. Freeman stated the hardship would be with the sign company not doing the appropriate paper work. As Dr. Freeman previously stated the new sign will be installed into the permanent housing that has been there for 40 years. Dr. Freeman stated it will be a physical hardship to tear the permanent housing down and put up a new housing. Mr. Coffey asked if the new sign will go where the old sign was. Dr. Freeman stated yes it is just an insert, an electronic sign dropped in. Chairman Sisson asked if the only thing out of compliance is the electronic reader portion of the sign. Mr. Cummings stated yes. Mr. Cummings stated the reason the size is not in compliance is due to the foundation. The way the inspector measures the sign is from the bottom of the foundation to the top, however the actual size of the electronic display sign is compliant. Mr. Cummings stated the way the ordinance reads is for the electronic display sign to be off of a major arterial road and the church is in a Residence 1A Zoning District.

Chairman Sisson asked if they were intending to increase the size of the sign. Dr. Freeman stated no. Mr. Cummings further stated the sign inspector has contacted the sign company and they were not aware they needed a sign permit because they work with the state and school boards. Vice-Chairman Peake asked if the sign was illuminated. Dr. Freeman stated the sign is illuminated from within. Mr. McGuffey further explained they only purchased a one-sided sign and the sign only illuminates or faces Memorial Parkway. Mr. McGuffey further stated no residential homes will be able to see the sign from their homes because the sign faces more east. Dr. Branham asked again if any residential homes would be able to see the sign from their homes. Mr. Cummings stated no and there is also a thick tree line blocking the location.

A motion was made by Dr. Branham and seconded by Mr. Coffey to approve an additional 54 square feet for a monument sign and a variance for the location of an electronic display sign in a Residence 1A Zoning District as presented due to the fact the sign is facing a major arterial road, and only the face of the sign was replaced. **Approved unanimously.**

**Case No. 8814 8314 Anslee Way NW;** A special exception to allow a club house; Russ Roberts of Goodwyn, Mills, and Cawood Inc., for WP Madison Investments, LLC, appellant. Mr. Priest stated the location of the property and said the request will require a special exception to allow a club house in a Residence 2A Zoning District. According to Article 92.5.3 of the Zoning Ordinance, a special exception is required for a semi-public, non-profit, and recreational facilities in any residential district.

Mr. Russ Roberts appeared before the Board requesting a special exception to allow a club house and pool area on a common area lot. This property is located at the corner of Anslee Way and Addison Dr. This lot is approximately 1.9 acres and there was a minor subdivide request with the City that will divide the lot into 2 lots evenly. Therefore the clubhouse will be along the Anslee Way side of this lot. It will include a shallow pool area, lap pool area, a covered pavilion, restrooms and the clubhouse area. The clubhouse area is 2300 square feet in total area. Also, there will be an on-site parking area which includes 5 parking spaces with 1 handicap parking space. Also, the plans are to put in a kid play area, north of the parking area. Mr. Roberts stated there will be landscaped areas along the front of Anslee Way and Addison Dr. Mr. Coffey asked the question what differentiates a pavilion and a clubhouse. Also, Mr. Coffey asked if pavilions are permitted. Mr. Cummings stated yes pavilions are permitted. Mr. Coffey asked so what makes this a clubhouse. Mr. McGuffey stated anytime you have a swimming pool and an area for gathering or any neighborhood amenity requires you to come before the Board as a special exception. Mr. Roberts stated some of the amenities that will be included are a fire place, pool equipment room, lap/shallow pool, water features for kids and a wrought iron fence around the perimeter of the pool.

Chairman Sisson asked Mr. Roberts what type of lighting will be installed. Mr. Roberts stated there will be lighting around the pool area but it is in the preliminary stages of what will be installed. Chairman Sisson stated there lighting plans have to be compliant with the lighting and landscape ordinance. Mr. Cummings stated that is correct. Chairman Sisson stated that means it would be less than 1 foot candle on adjacent property. Mr. McGuffey stated that is correct, the ordinance requires that any parking lot greater than 5,000 square feet or 15 parking spaces have lighting for the parking lot and for this case they are below that and will have some form of lighting. Therefore Chairman Sisson explained this is a special exception and The Board is concerned with things that will impact the neighborhood such as lighting and traffic issues. Mr. Coffey asked what were the hours of operation. Mr. Roberts stated during the daytime, but the hours have not actually been set. Chairman Sisson asked who will use the pool. Mr. Roberts explained the residents of Anslee Farms.

Mr. Grimmeisen appeared before the Board. Mr. Grimmeisen was concerned if it will be enough parking. Mr. McGuffey stated the ordinance requires 1 parking space for each 500 square feet of building area for the clubhouse. Mr. Cummings stated based on the numbers presented it only requires 1-2 parking spaces. Vice-Chairman Peake asked if on street parking became a problem, is it enforceable. Mr. McGuffey stated yes, Traffic Engineering could look to see if it creates any road parking issues, they may be able to put up no parking signs.

Mr. Smith appeared before the Board concerned with the area where they are placing the pool was a spring fed pond. Mr. Smith is wondering if structurally will the pool settle or crack and if the homeowners will have to maintain and repair. Mr. Roberts stated during the construction process there will be a geo-tech engineer and site technicians to make sure it is a stable foundation that it is being constructed on. Mr. McGuffey stated a site assessment drawing was required during the subdivision process which was performed by a geo-technical engineer and his report will be used before any holds are released on the Certificate of Occupancy for the pool and the structure. Mr. Smith is also concerned with how the other lot is going to be used. Mr. Roberts stated the owner is not sure right now exactly how the other lot will be used.

Ms. Grimmeisen appeared before the Board. Ms. Grimmeisen is against the pool.

Mr. Harrison appeared before the Board stating that he thinks the pool should be larger and not baseball sized. Mr. Conerly appeared before the Board concerned with noise abatement and location of pool. Mr. Conerly stated exactly how they will make sure no one is at pool afterhours. Mr. Roberts stated they will more than likely lock gates, put no trespassing signs, but if someone is in there that will be a law enforcement issue. Ms. Lyndsey appeared before the Board in favor of the pool. Mr. Nene appeared before the Board stating the pool should be larger to accommodate increase of buildings that will be put in and the builder needs to abide to promise that was given when they purchased their homes.

Chairman Sisson suggested to the Board if the citizens needed to meet to discuss any issues and Homeowners Association with Developer. Dr. Branham stated he agreed that they should talk about everything first. Mr. Tolley appeared before the Board and stated they have no homeowners association. Ms. Tolley appeared before the Board stating no one is being represented on the homeowners association. Chairman Sisson reiterated the Board has nothing to do with homeowners association.

Mr. Roberts stated they would like to continue for 30 days to address the concerns of the community.

**Case No. 8815 4002 Triana Blvd SW;** A use variance to allow a beauty salon; Sarah Swain, appellant. Mr. Priest stated the location of the property and said the request will require a use variance to allow a beauty salon in a Residence 2B Zoning District.

Ms. Swain appeared before the Board. Ms. Swain stated she has been renting a booth from Sola Salons for 6 years and would like to open her own business. Ms. Swain stated she sent letters out and received 2 phone calls. The calls were in support of what she was doing. Ms. Swain also stated she received a letter from the neighbor next door in support. Chairman Sisson asked how many chairs she will have. Ms. Swain stated possibly 3. Chairman Sisson asked what the hours of operation are. Ms. Swain stated Tuesday-Saturday, 8:00 a.m.-8:00 p.m. Ms. Swain stated several houses on the street are being used as some form of commercial use. Mr. Cummings stated there are a lot of offices in this area. Mr. Cummings stated a variance was approved in 2014 for a hair salon where custom wigs were made for cancer patients, and a variance was approved in 2015 for a home furniture/paint office that teaches people how to paint home furniture and accessories in this area. Vice-Chairman Peake asked if the building was currently vacant. Ms. Swain stated the building was vacant and owner was using it as an office building. Vice-Chairman Peake asked if there have been any plans to rezone this area or will the Board continue to look at this area on a case by case basis. Mr. McGuffey stated in this area we will continue to look at them on a case by case basis and see how the neighborhood wants the area to evolve. Mr. McGuffey stated the City has not received any concerns on this case. Ms. Swain stated she is under contract contingent upon the variance approval. Vice-Chairman Peake asked how many cars will be there. Ms. Swain stated her 3 stylist cars will be parked in the rear and any clients will park in the front. So basically there will be a total of 6-7 cars on the property at any given time. Vice-Chairman Peake stated he feels that this use is not very impactful to the neighborhood.

A motion was made by Dr. Branham and seconded by Mr. Coffey to approve a use variance to allow a beauty salon in a Residence 2B Zoning District for this use only and this appellant only. **Approved unanimously**.

**Case No. 8816 104 Jefferson St SW;** The projection and size of attached signage; Jessica Harcrow of Knight Sign Industries, Inc., for Jefferson Street Partners LLC, appellant. Mr. Priest stated the location of the property and said the request will require a variance for an additional 24 inches of projection signage for a total of 40 inches of projection. According to Article 72.4.3 (1) of the Zoning Ordinance, no vertically lettered, double-faced sign shall project more than sixteen (16) inches from the face of the building.

Chairman Sisson recused from this case. Ms. Harcrow of Knight Signs appeared before the Board stating they are requesting a sign variance for an additional 24 inches of projection signage for a projection sign. Ms. Harcrow stated the sign will be a doubled faced internally illuminated blade sign with black and white letters installed on the front of building. Also, Ms. Harcrow stated they are allowed 1 square foot per linear foot of frontage. Vice-Chairman Peake asked if the size of sign fall within the requirements of the ordinance. Ms. Harcrow stated yes. Dr. Branham asked how far off the building will the sign be. Ms. Harcrow stated it projects 40 inches off the building. Mr. Coffey asked if the City has any intent to address blade signs. Mr. McGuffey stated yes.

Vice-Chairman Peake asked the Board for any comments or concerns. No comments were given.

A motion was made by Mr. Coffey and seconded by Dr. Branham to approve a variance for an additional 24 inches of projection signage for a total of 40 inches of projection. **Approved unanimously.**

**Case No. 8817 423 Eustis Ave SE;** The location of a structure; Margaret M. Bryant and Hall B. Bryant III, appellant. Mr. Priest stated the location of the property and said the request will require a 7 foot 4 inch east side yard setback variance and a 1 foot 6 inch rear yard setback variance. According to Residence 1B Zoning District, a 10 foot side yard setback and a 35 foot rear yard setback is required.

Chairman Sisson recused from this case. Walter Hastings appeared before the Board representing Mr. & Mrs. Bryant. Mr. Hastings explained they would like to construct a master bedroom suite on the rear of the house. However, due to the location of the garage, the addition will be offset from the house slightly and will encroach into the side and rear yard setback. Mr. Hastings stated the addition will be a 1 story. Dr. Branham asked if the addition will forever be a one story. Mr. Hastings stated yes. Dr. Branham asked if everything was good on lot coverage. Mr. Hastings stated yes. Vice-Chairman Peake asked Mr. Cummings if this side yard setback request falls with others in this neighborhood. Mr. Cummings stated yes. Mr. Hastings stated they would like to preserve some yard use also. Mrs. Bryant stated the neighbors do not have a problem with what they are doing. Vice-Chairman Peake asked the Board for any comments or concerns. No comments were given. Vice-Chairman Peake asked the City for any concerns. Mr. McGuffey stated the City has no concerns.

A motion was made by Dr. Branham and seconded by Mr. Coffey to approve a 7 foot 4 inch east side yard setback variance and a 1 foot 6 inch rear yard setback variance and contingent upon Historic Board approval. **Approved unanimously.**

**Case No. 8818 2818 Governors Drive Units C, D, & E SW;** A special exception request for live entertainment, a special exception request for expanded hours of operation from midnight to 2 a.m., and a special exception request for patio seating in a Neighborhood Business C2 Zoning District; Yamil E. Lucena of YEL Investments, LLC, appellant. Mr. Priest stated the location of the property and said the request will require a special exception for live entertainment, expanded hours of operation from midnight to 2 a.m., and patio seating in a Neighborhood Business C2 Zoning District. According to Article 92.5 of the Zoning Ordinance, live entertainment, expanded hours of operation, and patio seating is permitted as a special exception in a Neighborhood Business C2 Zoning District.

Ms. Jose Beltro of Dolce Pan Bakery appeared before the Board. Ms. Beltro stated they have been at this location for 15-16 months. Also, Ms. Beltro stated they are close to Campus 805 and Bandito Burrito and would like to have the patio seating, live entertainment, and expanded hours of operation. Ms. Beltro also stated they have the intention of leasing Unit E. Chairman Sisson asked what the hours of operation will be. Ms. Beltro stated Monday through Wednesday 7:00 a.m. to 7:00 p.m. and Thursday through Saturday 9:00 a.m. to 9:00 p.m. Mr. Coffey asked exactly what the live entertainment would be. Ms. Beltro stated karaoke, and open mic and everything will be inside. Mr. Cummings stated they are requesting for patio seating but will have to submit their plans to Zoning for approval whenever they decide the location for the patio seating.

A motion was made by Dr. Branham and seconded by Mr. Garber to approve a special exception for live entertainment, expanded hours of operation from midnight to 2 a.m., and patio seating in a Neighborhood Business C2 Zoning District, for this appellant only and one year only. **Approved unanimously**.

**Case No. 8819 13582 Monte Vedra Road SE;** A variance to maintain lot of record status; Thomas Dollman, Sr., appellant. Mr. Priest stated the location of the property and said the request will require a variance to retain a lot of record status within the Slope Development District and waive impervious cover, disturbed area, and buildable area.

Mr. Dollman appeared before the Board explaining he wants to maintain greenspace in the vacant lot between Mr. & Mrs. Keller’s lots. Mr. Dollman stated he and the neighbor would subdivide the lot and take ½ and add to their respective lots. Mr. Dollman stated the plans are to expand his lot 4 tenths of an acre. So, that will make his 1.2 acres increase to 1.6 acres. Mr. Dollman stated they may want to put a driveway, walking path, plant flowers etc., but not really sure right now. Mr. Coffey asked why they are before the Board. Mr. Cummings stated the lots are lot of record and only requires a footing and foundation report for development. They can clear off any trees and doesn’t have to meet the maximum impervious cover. Also, since there was an existing home on the lot, the Staff thought it was a good case to bring to the Board.

Mr. Dollman stated the entire neighborhood is grandfathered in. Mr. McGuffey explained Mr. Dollman is altering the lot layout and forfeiting a structure.

A motion was made by Chairman Sisson and seconded by Vice-Chairman Peake to approve a variance to retain a lot of record status within the Slope Development District and waive impervious cover, disturbed area, and buildable area. **Approved unanimously**.

**Case No. 8820 13574 Monte Vedra Road SE;** A variance to maintain lot of record status; Winfield Keller, appellant. Mr. Priest stated the location of the property and said the request will require a variance to retain a lot of record status within the Slope Development District and waive impervious cover, disturbed area, and buildable area.

Mr. McGuffey explained this is the abutting property. Mr. Keller explained the case was the exact same as the previous case.

Chairman Sisson asked the City for any comments. No comments were given. Chairman Sisson asked the Board for any comments. No comments were given.

A motion was made by Mr. Coffey and seconded by Dr. Branham to approve a variance to retain a lot of record status within the Slope Development District and waive impervious cover, disturbed area, and buildable area. **Approved unanimously**.

**Case No. 8821 4500-A River Park Boulevard SE;** The location of a sign; Daniel Hopkins of Jeff Benton Homes for Jeff Benton Development Inc., appellant. Mr. Priest stated the location of the property and said the request will require a variance to allow an 11 foot setback for the location of a monument sign. According to Residence 1B of the Zoning Ordinance, a 30 foot front yard setback is required for a monument sign.

Mr. Daniel Hopkins of Jeff Benton Homes appeared before the Board. Mr. Hopkins explained they are requesting an 11 foot setback variance to the 30 foot setback requirements. Chairman Sisson asked Mr. McGuffey if this will be fixed in the new sign ordinance. Mr. McGuffey stated yes the new sign ordinance will cover subdivision entry signs.

Chairman Sisson asked the Board for any questions or comments. No comments were given.

A motion was made by Dr. Branham and seconded by Vice-Chairman Peake to approve a 19 foot front yard setback variance for the location of a monument sign in a Residence 1B Zoning District. **Approved unanimously**.

**Case No. 8822 675 Discovery Drive NW;** Additional attached signage; Michael Samples for Discovery Center II, LLC, appellant. Mr. Priest stated the location of the property and said the request will require a variance to allow 1 additional attached sign. According to Article 72.4.8(g) of the Zoning Ordinance, if a building has four or more tenants, no tenant names shall appear on the building, but the facility name may be placed on the building.

Mr. Samples appeared before the Board. Mr. Samples stated the building has frontage to the north and also faces east to Discovery Dr. Chairman Sisson asked if currently there were 2 signs. Mr. Samples stated there are two signs facing the north frontage. In a Research Park West Zoning District, if you have 3 tenants in the building you cannot have a sign for a single tenant. So, he had a variance to allow for 3 signs. Mr. Samples stated on the east side frontage he is requesting another sign to be able to place another tenant sign. Mr. Cummings stated you are allowed 3 signs currently and is requesting to put one by variance to allow four. Chairman Sisson asked what is happening with the ordinance in Research Park. Mr. McGuffey stated when the buildings were originally built, it was for bigger users and no multi-tenant buildings. Mr. McGuffey stated the new ordinance is ongoing but this is consistent with what the changes will be based on the consultants’ recommendations. Mr. Samples stated each building has its own character. Mr. Samples stated the sign he is requesting does not take away the integrity of the building.

Chairman Sisson asked the Board for any questions. No comments were given.

A motion was made by Dr. Branham and seconded by Mr. Coffey to approve a variance to allow 1 additional attached sign. **Approved unanimously.**

**Case No. 8823 655 Discovery Drive NW;** Additional attached signage; Michael Samples for Discovery Center II, LLC, appellant. Mr. Priest stated the location of the property and said the request will require a variance to allow 1 additional attached sign. According to Article 72.4.8(g) of the Zoning Ordinance, if a building has four or more tenants, no tenant names shall appear on the building, but the facility name may be placed on the building.

Mr. Samples appeared before the Board. Mr. Samples explained the north elevation has no signs on it currently, the east elevation has 2 signs with new tenants, and the south side has a high bay and Mantec Corporation. Mr. Samples stated technically he can ask them to take their sign down since they have down-sized from 30,000 sq.ft-4,000 sq. ft. Mr. Samples stated he is only requesting 1 additional sign, so he will have 4 signs. Mr. McGuffey stated large scale offices have 4 signs, but can evaluate from a staff perspective. Chairman Sisson asked if this was a part of the sign ordinance or the Master Plan for Research Park Ordinance. Mr. McGuffey stated it is a part of the Master Plan.

A motion was made by Mr. Coffey and seconded by Vice-Chairman Peake to approve a variance to allow 1 additional attached sign. **Approved unanimously**.

**Case No. 8824 689 Discovery Drive NW;** Additional attached signage; Michael Samples for Discovery Center II, LLC, appellant. Mr. Priest stated the location of the property and said the request will require a variance to allow 1 additional attached sign. According to Article 72.4.8(g) of the Zoning Ordinance, if a building has four or more tenants, no tenant names shall appear on the building, but the facility name may be placed on the building.

Mr. Samples appeared before the Board. Mr. Samples explained this frontage fronts Discovery Dr., and they have 3 signs currently facing Discovery Dr., and there is nothing on the back side which is inside the park which has no street frontage. Mr. Samples stated he has a tenant requesting a sign identifying their company facing inside the park. Mr. Cummings stated this building has no street frontage but the building location faces inside the park where it can be seen from several different buildings inside the park.

A motion was made by Dr. Branham and seconded by Mr. Coffey to approve a variance to allow 1 additional attached sign. **Approved unanimously**.

**Case No. 8825 101-A Summer Point Lane;** The location of a sign; Ronald Adam Davidson of Davidson Land Development, LLC, appellant. Mr. Priest stated the location of the property and said the request will require a variance to allow a 26 foot setback for the location of a monument sign. According to Residence 1B of the Zoning Ordinance, a 30 foot setback is required for a monument sign.

Mr. Jeff Mullins appeared before the Board. Mr. McGuffey asked Mr. Mullins if they were requesting 4 ft. off the property line. Mr. Mullins stated yes and only doing a small 3x3 sign, a column with the subdivision name on it. Chairman Sisson asked what will be allowed in the new ordinance. Mr. McGuffey stated depending on the structure setback, making sure it is not a line of sight issue and the square footage issue. Mr. Cummings also asked if the existing sign was 29 feet off the road. Mr. Mullins stated yes and they also had to dedicate a lot of right of way from the existing road. Mr. Mullins explained they are sitting further back from other structures on Capshaw Rd., and they had to dedicate 25 feet of right of way. Also, from the edge of pavement the sign is still 40 feet from current right of way. Chairman Sisson asked if they could put the sign 10 ft. off of the property line. Mr. Evans stated yes.

A motion was made by Chairman Sisson and seconded by Dr. Branham to approve a 20 foot front yard setback variance for the location of a monument sign in a Residence 1B Zoning District. **Approved unanimously**.

**Case No. 8826 2600 Clinton Ave NW;** A variance to allow off-site parking; Randall A. Schrimsher of Clinton Properties, LLC, appellant. Mr. Priest stated the location of the property and said the request will require a variance to allow off-site parking. According to Article 70.1.1 of the Zoning Ordinance, off-street parking spaces shall be provided.

Mr. Mullins appeared before the Board representing Mr. Randy Schrimsher. Mr. Mullins stated they are expanding Yellowhammer to the back adding an indoor dining space and outdoor dining spaces. Mr. Mullins stated when you look at the total parking available for this site it is deficient but when the park was planned, the parking would be made available for both tenants so redevelopment could occur at the Stone Middle School site. Chairman Sisson asked the City if they concur. Mr. McGuffey stated that is correct, it was part of the overall plan for Campus 805. Chairman Sisson asked if it was a way/or need to have a variance to allow this to be counted as campus parking, like what was done in the medical district. Mr. McGuffey stated there is a possibility.

Mr. John Brown appeared before the Board. Mr. Brown was concerned about the cars being parked all up/down the street, and on some of the streets behind this address. Also, Mr. Brown was concerned about the big 18-wheeler trucks being parked up/down the street also. Mr. Coffey asked can anything be enforced about the trucks. Mr. McGuffey stated yes.

Ms. Katy Sullivan appeared before the Board. Ms. Sullivan was concerned about the cars being parked up and down on Stone Street, all on the curb, the large lot being crowded all the time, and the parking overflowing into the neighborhood.

Mr. Charles Edgar appeared before the Board. Mr. Edgar stated the parking in this area is not good at all due to the narrow street. Mr. McGuffey stated from a City perspective, the City will need to evaluate possibly putting no parking signs on one side of street, have Fire Marshal check to see if document loads are correct, if a Fire truck can go up/down the street and if any of these concerns are accurate, there could be a public safety issue. Mr. Coffey stated he thinks the owner needs to re-think the parking, so it will not worsen condition. Mr. Mullins asked if they could continue for 30 days to evaluate surrounding streets, work with Traffic Engineering and Fire Marshal.

Mr. Mark Prestage appeared before the Board. Mr. Prestage was concerned about a private entity being able to use public parking. Mr. McGuffey stated it is similar to any other park in the city or any public parking used by private people for the benefits of the citizens of the City of Huntsville. Also, Mr. Prestage did say the parking can be overcrowded and the developer should look into acquiring off-site parking.

Mr. Carl Orr appeared before the Board. Mr. Orr stated they are already using his vacant lot and if they would like to compensate him.

Chairman Sisson reiterated this request will be continued for 30 days.

**Case No. 8827 2800 6th Avenue SW;** The location of a structure; Abby Wheeler of Invent Huntsville, LLC for JH1, LLC, appellant. Mr. Priest stated the location of the property and said the request will require a variance to allow a 15 foot front yard setback. According to Article 73.7.4 of the Zoning Ordinance, where the developed lots within one hundred (100) feet on the same side of the street of any undeveloped lot have a greater or lesser front yard than required herein, the front yard of such undeveloped lot shall be within five (5) feet of the average front yard.

Ms. Wheeler appeared before the Board. Ms. Wheeler stated they are trying to build their first single family home. Ms. Wheeler explained the adjacent property at 2802 Sixth Ave. has some commercial usage. Ms. Wheeler also stated she received a letter of support from the property owner at 2802 Sixth Ave. The owner stated they are in support of a single family residence plan and the commercial building located on the property is actually accessed primarily through the rear entrance to the property as the frontage is used on Governors Dr. Also, the commercial usage at 2802 Sixth Ave. will not be impacted by the construction of a single family home.

Mr. Cummings stated the reason we looked at this request is because of the front yard setback location. Mr. Cummings stated it is similar but different from the Locust Case due to the fact the commercial building at 2802 Sixth Ave. and the front of property actually faces an alleyway. Mr. Cummings also stated that’s why the front yard averages of homes within 100’ were used. Chairman Sisson asked if it was not a Locust Case, would it comply with the front yard setback. Mr. McGuffey stated yes.

Mr. McGuffey stated we have to use averages of residential lots within 100’ to the left and right. Mr. McGuffey further explained the owner at 2802 Sixth Ave. is a non-conforming user that predates the Zoning Ordinance. Ms. Wheeler explained this will be their first model home in this area.

Ms. Leslie Tripp appeared before the Board. Ms. Tripp was in agreement with the construction of the single family home because they were in line with the ordinance.

A motion was made by Chairman Sisson and seconded by Mr. Coffey to approve a 15 foot front yard setback variance as presented and due to the fact the proposed property is within the average front yards of other homes on the street and the adjacent property owner sent a letter of support. **Approved unanimously.**

**Case No. 8828 4220 Oakwood Ave NW;** A variance to expand a legal non-conforming carwash; David W. Smith of DSKJS Holdings, LLC, appellant. Mr. Priest stated the location of the property and said the request will require a use variance to allow car wash facilities in a Neighborhood C2 Zoning District. According to Article 74.2.1 of the Zoning District, no such non-conforming use shall be enlarged, increased or expanded.

Mr. David Smith of Royal Funeral Home appeared before the Board. Mr. Smith stated the location of the carwash is across the street from the funeral home. Mr. Smith stated the carwash was an eyesore, dilapidated, and they bought it immediately to fix it up and make it nice to the neighborhood. Chairman Sisson asked Mr. Smith if he wanted to own it and continue to operate it as a carwash. Mr. Smith stated yes. Mr. Smith stated they needed a longer bay to wash the cars inside and this will alleviate some of the congestion on the funeral home property as far as the guy washing while receiving deliveries.

Chairman Sisson asked if the carwash was there by variance. Mr. McGuffey explained the carwash was a legal non-conforming use and Mr. Smith is just expanding the legal non-conforming use. Mr. McGuffey stated Mr. Smith is willing to clean up the site, make it nicer, and his use is across the street and he is trying to clean up the Oakwood corridor. Chairman Sisson asked if the City was in support. Mr. McGuffey stated that is correct. Dr. Branham questioned about cleaning cars inside. Mr. Smith stated they wanted to build up to the building to construct a longer bay. Mr. McGuffey explained in this zoning district there is a zero structure setback, also Mr. Smith will have to upgrade parking lot and a buffer that Mr. Smith will have to comply with. Mr. Smith stated they will do the necessary upgrading required.

A motion was made by Vice-Chairman Peake and seconded by Mr. Garber to approve a use variance to allow a car wash facility in a Neighborhood C2 Zoning District. **Approved unanimously.**

Chairman Sisson recalled **Case No. 8808 7025 Cabela Dr NW;** A variance to allow additional attached signage, a variance for the height of an accessory ground sign, and a variance for an additional ground sign; Ken Siegrist of Coast Graphics and Signs, Inc., appellant.

Because no one appeared to present this case, Chairman Sisson stated that the case will need to be continued for 30 days.

A motion was made by Chairman Sisson and seconded by Dr. Branham to approve the February 14, 2017, meeting minutes. **Approved unanimously.**

A motion was made by Chairman Sisson and seconded by Dr. Branham to approve the March 21, 2017, meeting minutes. **Approved unanimously.**

There being no further business, the meeting adjourned at 9:01 p.m.