Administration Building Council Chambers

308 Fountain Circle

November 19, 2019

6:00 p.m.

**BOARD OF ZONING ADJUSTMENT**

Members Present:

Mr. Martin Sisson – Chairman

Mr. Bert Peake – Vice Chairman

Mr. Fred Coffey

Mr. Johnny Ozier – Supernumerary

Dr. David Branham

Ms. Kimberly Ford

Ms. Wendy Lee - Supernumerary

Others Present:

Mr. Thomas Nunez, City of Huntsville Planning Services

Mr. Travis Cummings, City of Huntsville Zoning Administration

Mrs. Courtney Edwards, City of Huntsville Zoning Administration, Recording Secretary

Mr. Robert Baudendistel, City of Huntsville Zoning Administration

Officer Johnny Hollingsworth, 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.

Vice Chairman Peake 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.

Vice Chairman Peake then called the regular agenda items.

**Case No. 9153 3613 Seventh Avenue SW;** The location of an accessory structure, a use variance to allow metal siding on an accessory structure, and a use variance to allow an accessory structure on a lot without a primary structure: William A. Byrd, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a use variance to allow an accessory structure on a lot without a primary structure, this request will also require a use variance to allow metal siding on an accessory structure.

William A. Byrd appeared before the Board and stated he owns 2 lots on the corner of 12th Street and 17th Avenue. Mr. Byrd also stated he would like to build a metal building on one of those lots to house his antique cars and a travel trailer. Vice Chairman Peake asked where metal siding in a residential neighborhood has been allowed. Mr. Cummings stated they have seen metal siding on churches and workout facilities. Mr. Byrd stated he would like the metal siding because it is maintenance free and the cost is cheaper. Vice Chairman Peake asked if the lots were merged. Mr. Cummings stated no. Vice Chairman Peake as what the history for having this type of building on a separate lot from the primary structure has been. Mr. Cummings stated there is no history. Vice Chairman Peake asked if the appellant merged the lots would this request be allowed. Mr. Cummings stated there would possibly be an issue with the front yard average and the size of the structure could be perceived as a single-family dwelling. Dr. Branham asked why the appellant does not combine the lots. Mr. Byrd stated the lots have always been sold together so he never felt the need to combine them. Vice Chairman Peake asked if the biggest issue with this request the is the fact the proposed accessory structure would be on a lot with a primary structure. Mr. Cummings stated the proposed accessory structure would appear to be in the front yard. Mr. Coffey asked if the requested lot has two front yards. Mr. Cummings stated the requested property has one front yard, however the lot adjacent to it has the primary structure on it and is a separate lot with two street frontages. Vice Chairman Peake asked if the proposed structure could be attached to the existing structure on the lot. Mr. Byrd stated it is possible but that would not be what he really wanted to do. Mr. Cummings stated if the proposed structure were to be attached then it would be closer to the rear yard. Mr. Byrd asked if he were to use the approved siding would that make a difference in the request. Mr. Ozier asked what type of siding is permitted for this size structure. Mr. Cummings stated architectural siding. Mr. Coffey stated the appellant should consider continuing for 30 days to look at the options of combining the lots, attaching the proposed structure to the existing structure, and different siding options. Mr. Byrd stated if the structure was less than 500 square feet then the metal siding would not be an issue. Mr. Ozier asked how many letters were mailed out. Mr. Byrd stated 70 letters were mailed out and had a few people call to ask what he was trying to build, but no one had any problems with his request. Mr. Coffey stated he thinks the appellant should take some time to think about altering his request and suggest a continuation for 30 days.

A motion was made by Vice Chairman Peake and seconded by Mr. Coffey to approve continue for 30 days. The motion passed with a 4 to 1 vote. Dr. Branham was a no vote.

**Case No. 9154**  **2500 West Winfield Circle SW:** The location of a swimming pool; John T. Butts and Kristin L. Butts, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a variance for the location of a swimming pool in a side yard in a Residence 2 Zoning District.

John T. Butts appeared before the Board and stated they would like to place an inground pool in the side yard. Mr. Butts also stated his property was a corner lot and the side and rear of his property were on 2 street frontages. Mr. Butts stated by placing the pool in the side yard, they would be placing it farther away from the street. Vice Chairman Peake asked if there is any history of this type of request. Mr. Cummings stated yes the Board has approved this type of request before. Mr. Cummings also stated the Home Owners Association has approved this request. Mr. Coffey asked if the pool would be fenced. Mr. Butts stated yes. Vice Chairman Peake asked if there was a motion.

A motion was made by Mr. Coffey and seconded by Ms. Ford to approve a variance to allow a swimming pool in a side yard in a Residence 2 Zoning District due to the shape of the lot. The motion passed with a 4 to 1 vote. Ms. Lee was a no vote.

**Case No. 9155 7825 Benton Street SE;** The location of a structure; Daniel R Spearing and Mildred L. Spearing, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 1foot 8 inch in a Residence 1A Zoning District.

Daniel R. Spearing appeared before the Board and stated he would like to expand his existing accessory structure so he can house his recently purchased boat. Mr. Cummings stated the appellant has also vacated the easement. Mr. Ozier asked if there were any underground utilities run along this side. Mr. Cummings stated no. Vice Chairman Peake asked if the structure would remain enclosed. Mr. Spearing stated yes. Vice Chairman Peake asked how many letters were sent out. Mr. Spearing stated 42 letters were mailed out and he heard no opposition. Ms. Ford asked how the structure would be attached. Mr. Spearing stated the proposed addition would extend from the roof line from the top of the pitch. Mr. Spearing also stated the structure would not be taller than 30 feet in height. Vice Chairman Peake asked if the structure would be 5 feet from the property line. Mr. Spearing stated the proposed structure would be 4 feet from the property line. Ms. Lee asked if the addition would also be expanding forward. Mr. Spearing stated yes. Vice Chairman Peake asked if the City has any issues. Mr. Cummings stated no. Mr. Coffey asked if the addition would match the rest of the existing structure. Mr. Spearing stated yes.

A motion was made by Mr. Coffey and seconded by Mr. Ozier to approve a 1 foot 8 inch side yard setback variance for an addition to an existing accessory structure in a Residence 1A Zoning District. **Approved unanimously**.

**Case No. 9156 2401 Celia Court SE;** The location of a structure; Blake Rice of Barrett-Simpson, Inc., appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 1 foot 6 inch rear yard setback variance for the location of a structure.

Blake Rice of Barrett-Simpson, Inc. for Mitchell Martin of SMB Land, LLC, appeared before the Board and stated his client purchased several lots within the subdivision. Mr. Rice also stated the plat was originally recorded in October 2018 and then a new plat was recorded in 2019. Mr. Rice stated his client realized the setback was not met in all the homes under constructed and was able to fix all but one of the properties. Mr. Rice also stated the request is for the property that was almost completed. Mr. Cummings stated the appellant self- reported the issue. Mr. Coffey asked if there was a permit pulled for this property. Mr. Cummings stated yes, however the original permit was pulled but the previous builder. Mr. Cummings also stated the appellant discovered the mistake once the property was purchased and already under construction.

A motion was made by Mr. Coffey and seconded by Ms. Ford to approve a 1 foot 6 inch rear yard setback variance for a recently built single family home due to a recent amendment to plat restrictions. The motion passed with 4 to 1 vote. Ms. Lee was a no vote.

**Case No. 9157 1709 Bide-A-Wee Drive SW**; The location of a structure; Kreston Alan Watson, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 5 foot rear yard setback variance in a Residence 1B Zoning District.

Kreston Alan Watson appeared before the Board and stated the existing accessory structure was 6 inches off the property line, due to the fact the previous owner sold 40 feet of land making the structure non-conforming. Vice Chairman Peake asked if the structure were to be attached would it meet the setbacks. Mr. Cummings stated the addition would meet setbacks; however the Board would still need to vary the non-conformance of the existing accessory structure. Dr. Branham asked why the appellant does not want to attach the structures. Mr. Watson stated does not want to attach the two accessory structures. Mr. Watson also stated he has spoken to the neighbor most effected by the proposed structure and the neighbor was not opposed. Vice Chairman Peake stated if the appellant does not attach the accessory structures then there would still be a non-conforming structure. Vice Chairman Peake asked if there was a motion.

A motion was made by Ms. Ford and seconded by Mr. Ozier to approve a 5 foot rear yard setback variance in a Residence 1B Zoning District to allow an addition to an existing non-conforming accessory structure. The motion passed with a 4 to 1 vote. Dr. Branham was a no vote.

**Case No. 9158 516 Randolph Avenue SE**; Rear yard lot coverage variance, Harrison J. Knox and Lauren F. Knox, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 2% rear lot coverage variance in a Residence 1B Zoning District.

Lauren F. Knox appeared before the Board and stated they had a detached garage that was destroyed in a storm and they would like to rebuild the structure in the same foot print. Dr. Branham asked if the original accessory structure was already over the rear yard lot coverage. Mr. Cummings stated yes. Vice Chairman Peake stated this area has history of rear yard lot coverage variances for detached accessory structures. Mrs. Knox stated they received Historic Board approval, as well as no opposition from their neighbors. Vice Chairman Peake asked if there was a motion.

A motion was made by Ms. Lee and seconded by Ms. Ford to approve a 2% rear lot coverage variance to replace an existing non-conforming accessory structure in the same footprint that was damage by a storm in a Residence 1B Zoning District. **Approved unanimously**.

**Case No. 9159 6425 US Highway 431 SE**; The location of a sign; James Christopher Herring, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings this request will require a 40 foot front yard setback variance for the location of a monument sign.

Mr. Cummings stated the City is working to amend the ordinance for this type of request. Dr. Branham asked if this request would be compliant under the amended ordinance. Mr. Cummings stated yes. Dr. Branham asked why does the appellant need a 40 foot variance. James Christopher Herring appeared before the Board and stated he expanded his building and the proposed sign would need to be moved closer to the road. Vice Chairman Peake asked if there was a motion.

A motion was made by Mr. Coffey and seconded by Ms. Ford to approve a 40 foot front yard setback variance for the location of a monument sign due to the fact the city is in the process of amending the Zoning Ordinance. **Approved unanimously.**

**Case No. 9160**  **1103 Pratt Avenue NE**; The location of a structure, total lot coverage variance, and rear lot coverage variance, Jarom B. Haynie and Elizabeth A. Haynie, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a variance to allow an additional 2 feet to a previously variance, the appellant is requesting to build a 22’x22’ garage instead of a the previously approved 20’x22’.

Jarom B. Haynie and Elizabeth A. Haynie appeared before the Board and stated they would like to have a two-car garage. Mrs. Haynie stated the original barn was partially torn down at the time of the previous request and will not be putting proposed structure in the same footprint. Vice Chairman Peake asked for clarification on what has been previously approved. Mrs. Haynie stated the previous request was larger than what she is proposing for the new request. Vice Chairman Peake asked what has changed about the request. Mrs. Haynie stated she is requesting 22’x22’ detached accessory structure with 9 foot wide doors. Dr. Branham stated does not like the request, and the appellant should keep what was previously approved. Dr. Branham also stated what was previously approved by the Board was a detached accessory structure to place in the same footprint as the original barn. Mr. Cummings stated the appellant’s new request is smaller and they do not wish to use the full amounts of the previous request. Vice Chairman Peake stated he understands wanting two additional feet for a two-car garage. Mr. Cummings stated the appellant has been to the Zoning Department numerous times to revise the request. Mr. Coffey asked if there is history for this type of request. Mr. Cummings stated yes. Dr. Branham stated he is concerned for the precedent that is set for the amount of lot coverage. Ms. Lee stated visually the request looks to be the same. Mr. Cummings stated the proposed structure is not as tall as the previous request. Vice Chairman Peake asked if there was a motion.

A motion was made by Ms. Lee and seconded by Ms. Ford to approve a variance to allow an additional 2 feet to a previously approved variance for a 22’ x 22’ garage instead of the previously approved 20’ x 22’ due to the fact the original dilapidated accessory structure was larger in size then the variance request. The motion passed with a 4 to 1 vote. Dr. Branham was a no vote.

**Case No. 9161 2000 Colice Road SE**; The location of a structure, Darrel J. Dixon and Brooke Dixon, appellant**.** Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 5 foot 6 inch rear yard setback variance in a Residence 1A Zoning District.

Darrell J. Dixon appeared before the Board and stated the existing carport is being torn down so they can add an addition. Chairman Sisson asked if the appellant sent out letters. Mr. Dixon stated yes, and there was no opposition. Chairman Sisson asked if the City has any issues. Mr. Cummings stated no. Mr. Coffey asked if the proposed detached garage was compliant. Mr. Cummings stated yes, the proposed detached accessory structure meets all requirements. Chairman Sisson asked if there is history for this type of request. Mr. Cummings stated yes. Chairman Sisson asked if there was a motion.

A motion was made by Dr. Branham and seconded by Mr. Ozier to approve a 5 foot 6 inch rear yard setback variance in a Residence 1A Zoning District. **Approved unanimously**.

**Case No. 9162 1580 Sparkman Drive NW Unit 203,** A use variance to allow a beauty salon in a Residence 2B Zoning District, Regina Jackson, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a use variance to allow a beauty salon in a Residence 2B Zoning District.

Regina Jackson appeared before the Board and stated she is leasing a unit at this location, and the previous tenant was a hair salon. Ms. Jackson also stated there are other hair salons and barbershops in this area. Chairman Sisson asked about this history. Mr. Cummings stated in 2015 a hair salon was approved at this location for that appellant only and for a 3 year term. Chairman Sisson asked if there is any other history of similar requests for this location. Mr. Cummings stated the only other similar request was a hair school. Dr. Branham stated the request for the hair school is the same as requesting a hair salon. Chairman Sisson asked how long the lease term was for. Ms. Jackson stated 3 years. Chairman Sisson asked if the City has any issues. Mr. Cummings stated the City received one letter of opposition. Chairman Sisson asked if the Board has anymore questions or if there is a motion.

A motion was made by Dr. Braham and seconded by Ms. Ford to approve a use variance to allow a beauty salon in a Residence 2B Zoning District for this appellant only, for this use only, and with the stipulation the use variance run concurrent with a 3 year lease period due to the fact this area has a history of variances for similar uses. **Approved unanimously**.

**Case No. 9163 4908-B Moores Mill Road NE**; PVA and the location of a structure; Rene Zwahlen and George (Skip) Bushaw of Bruderer Machinery, Inc., appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a PVA landscape variance, this request will also require a 50 foot front yard setback variance, and this request will also require a 24 foot and 1 inch rear yard setback variance.

Jason Phillips for Rene Zwahlen and George (Skip) Bushaw of Bruderer Machinery, Inc. appeared before the Board and stated the original lot was platted in 2013 and in 2017 the City created PPG Way with 200’ of Right-Of-Way taken from the property. Mr. Phillips stated his client would like to put a building in the back lot and they are requesting a 50’ front yard setback and 24’ rear yard setback. Mr. Phillips stated they are wanting to tie into the existing parking lot and that is where they would need PVA varied. Dr. Branham asked if the City acquired the Right-of-Way. Rene Zwahlen appeared before the Board and stated yes but they were suggested to apply for a variance since the R-O-W acquisition messed up their building plans. Mr. Baudendistel stated the Alabama Department of Transportation had determined this intersection was a safety hazard. Mr. Nunez stated the acquisition the City made created this issue with the setbacks. Dr. Branham stated the appellant still gave up the land. Chairman Sisson stated the road use they were compensated for however the hardship was still created. Chairman Sisson asked why they needed such a large building. Mr. Zwahlen stated the business has grown so much they need a large building to accommodate the large equipment. Chairman Sisson asked how large the R-O-W is in this section. Mr. Cummings stated 100 feet. Mr. Coffey asked about the parking. Mr. Cummings stated it is common parking and meets the requirements. Mr. Zwahlen stated they only have 15 employees. Dr. Branham stated there is no hardship because the R-O-W was paid for. Chairman Sisson asked if ALDOT had not changed Highway 72 would the City have needed this R-O-W. Mr. Nunez stated no. Chairman Sisson asked if there was a motion.

A motion was made by Ms. Ford and seconded Vice Chairman Peake by to a approve a PVA Perimeter landscaping variance on the east and west property lines due to the fact the proposed building will share an existing PVA area under the same ownership, a 50 foot front yard setback variance, and a 24 foot 1 inch rear yard setback variance due to the City acquiring Right-of-Way to develop PPG Way. **Approved unanimously**

**Case No. 9164**  **11431 Memorial Parkway SE**; The size and type of signage, Jonathon Wocher AICP of McBride Dale Clarion for Adam Campbell of Speedway LLC, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require an 8 square foot size variance for an accessory ground sign in a Light Industrial Zoning District and this request will also require a use variance to allow green and red LED lighting for an accessory ground sign.

Mr. Cummings stated this request was previously before the Board and they did not pull the permits within 6 months. Chairman Sisson asked if there were any changes. Mr. Cummings stated no. Chairman Sisson asked if the Board has any question or if there is a motion.

A motion was made by Dr. Branham and seconded by Vice Chairman Peake to approve a use variance to allow green and red LED lighting for an electronic message center ground sign only for fuel prices and based on the understanding that the City is in the process of amending the Zoning Ordinance. **Approved unanimously.**

**Case No. 9165 5001 Adventist Boulevard NW**; the size, height, location of signage and a static hold for an electronic display sign, Ben Collins of KPS Group for Sabrina Cotton of Oakwood College, Inc.**,** appellant.Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 15 square foot variance for an accessory ground sign in a Research Park Zoning District. This request will also require an 11 foot 4 inch height variance for an accessory ground sign. This request will also require a 10 foot setback variance for the location of a monument sign. This request will also require a variance to allow a 1 minute static hold time variance of the required 60 minute hold in a Research Park Zoning District.

Ben Collins of KFS Group for Sabrina Cotton of Oakwood College appeared before the Board and stated Oakwood College is developing a farmer’s market and park at this site. Mr. Collins also stated they would like a monument sign on the Adventist Boulevard side of this site. Chairman Sisson asked what the height request was. Mr. Cummings stated 8 feet. Mr. Collins stated for the monument sign they are requesting variances for height, size, and location. Dr. Branham asked why the appellant needed the sign to be higher, bigger, and closer than the Ordinance allows. Mr. Collins stated they were trying to catch the attention of more customers. Chairman Sisson asked for clarification on the use of this site. Mr. Collins stated they were building an outdoor farmer’s market that will abut the College’s farm. Dr. Branham asked if the height request was in line with the history of this area. Mr. Cummings stated the Board is protective of Research Park. Chairman Sisson asked if there was a previously granted variance. Mr. Collins stated yes. Mr. Cummings stated the previously granted variance was across the street not at this property. Mr. Nunez asked if this site was a part of the Oakwood College’s Master Plan. Mr. Collins stated yes. Mr. Nunez asked if this site was going to have a pond and amphitheater. Mr. Collins stated yes, those uses were a part of the expanded master plan which would also include a café. Chairman Sisson asked if there were any other questions or a motion for the sign on Adventist Boulevard.

A motion was made by Dr. Branham and seconded by Mr. Ozier to approve a 15 foot front yard setback variance for the location of a monument sign on Adventist Boulevard due to the fact the City is in the process of amending the Zoning Ordinance. **Approved unanimously.**

Chairman Sisson asked what was being requested for the sign on Sparkman Drive. Mr. Cummings stated size, height, and

A motion was made by Chairman Sisson and seconded by Dr. Branham to continue the request for an accessory ground sign on Sparkman Drive for 30 Days. **Approved unanimously.**

**Case No. 9166**  **1721 Ward Avenue NE**; A use variance to allow single family attached dwellings in a Residence 1C Zoning District, Stephen M. Cutter of Cutter Enterprises, LLC, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a use variance to allow single family attached dwellings in a Residence 1C Zoning District.

Stephen M. Cutter of Cutter Enterprises, LLC, appeared before the Board and stated he was proposing to develop the eastern portion of Ward Avenue. Mr. Cutter also stated he has owned the property for several years and is wanting to build 8 single-family attached units. Mr. Cutter stated on the northside of his property are duplexes. Vice Chairman Peake asked for the clarification on whether this area is east of Maysville Road. Mr. Cutter stated yes. Chairman Sisson stated in a Residence 1C Zoning District single-family attached is more of a townhome. Chairman Sisson asked how single-family attached units were built on the southside of Ward. Mr. Cummings stated those were built in the 1980s and at that time this was zoned Residence 2 Zoning District or Residence 2B Zoning District. Chairman Sisson asked what the City’s perspective on this area is. Mr. Nunez stated this area was zoned Residence 1C to meet nature of West Huntsville Addition. Mr. Nunez also stated this zoning would more than likely not be changed. Chairman Sisson asked if the Board has any questions. Ms. Lee stated single-family dwellings are permitted in Residence 1C Zoning District. Dr. Branham stated the appellant could build 4 single-family dwellings without a variance. Ms. Ford stated single-family dwellings would look out of character for this section of the neighborhood. Chairman Sisson asked to here from those present.

Cynthia Bryce of 1722 Beirne Avenue appeared before the Board and asked if the alley would ever be developed. Ms. Bryce also where parking would be for these units.

Laurie Lambert of 1730 Beirne Avenue appeared before the Board and stated she has the same questions as previously asked.

Rhonda Campbell of 422 Holmes Avenue appeared before the Board and stated she owns the duplexes adjacent to this property. Ms. Campbell stated she is in support of this proposed use for this lot.

Mr. Cutter stated parking might be front facing garages. Mr. Cutter also stated he is also looking at cars entering from the rear and he would develop the alley nicely. Vice Chairman Peake what that City’s perspective of this use in this area. Mr. Cummings stated this property has been vacant for years. Vice Chairman Peake stated this use looks consistent with what is existing in this area. Chairman Sisson asked if the Board has any questions. Dr. Branham stated the project looks nice and he is ok with the use, however he thinks he could still build single-family dwellings on these lots. Mr. Coffey asked for clarification on what type of structures were being proposed. Mr. Cummings stated the proposed use is single-family attached dwellings, which means each unit has it’s own parcel of land.

Ms. Bryce stated she feels this use would cause more traffic in the area. Ms. Lambert stated the alleyway was not developed for a reason and would not like to see it developed. Mr. Cummings stated the City would not pay the cost to develop the alley, however Mr. Cutter would be paying to develop the alley if he chose to do so. Chairman Sisson asked if there was a motion.

A motion was made by Ms. Ford and seconded by Mr. Coffey to approve a use variance to allow a single family attached dwelling with up to eight units in a Residence 1C Zoning District due to the fact these given lots were never developed, this given block of Ward Avenue has 15 existing single family attached dwellings, 3 existing duplexes, and only 1 single family dwelling on this given block of Ward Avenue; with the stipulation multiple family dwellings are not constructed. **Approved unanimously.**

**Case No. 9167 1000 Church Street NW**; The location of signage, Coby Boswell of NXTSTEP Properties, LLC, appellant**.** Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 20 foot front yard setback variance for the location of a monument sign.

Coby Boswell of NXTSTEP Properties, LLC, appeared before the Board and stated he purchased this property and converted it into a law office. Mr. Boswell also stated he would like to put a monument sign in front of his business. Chairman Sisson asked if this request is inline with the changes being made in the Ordinance. Mr. Cummings stated yes.

A motion was made by Dr. Branham and seconded by Vice Chairman Peake to approve a 10 foot front yard setback variance for the location of a monument sign due to the fact the City is in the process of amending the Zoning Ordinance. **Approved unanimously.**

**Case No. 9168 607 Drummond Road SE**; The location of a structure, Felicia A. Pope, appellant**.** Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 4 foot 6 inch side yard setback variance for the location of a proposed carport addition.

Brad Johnson for Felicia A. Pope appeared before the Board and stated his client would like to build an attached carport. Mr. Johnson also stated the proposed carport would be enclosed on two sides for storage. Chairman Sisson asked if there was history in this area. Mr. Cummings stated yes. Chairman Sisson asked if letters were mailed out and if they heard back from those letters. Mr. Johnson stated they mailed out letters and have not heard back from any of the neighbors. Chairman Sisson asked if the Board has any questions or if there is a motion.

A motion was made by Dr. Branham and seconded to approve a 4 foot 6 inch side yard setback variance with the stipulation the carport is not enclosed. **Approved Unanimously.**

**Case No. 9169 1401 Appalachee Drive SE**; The location of a structure, Benjamin Steele for Eric McQuiston, appellant**.** Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 4 foot 11 inch side yard setback variance.

Mr. Cummings stated this type of request has been before the Board in the past, however this request has been reduced. Dr. Branham asked for clarification of the past and current request. Mr. Cummings stated this request has been reduced by 10 feet. Benjamin Steele for Eric McQuiston appeared before the Board and stated the structure was reduced in size by 130 square feet. Chairman Sisson asked if the previous request was attached. Mr. Cummings stated yes and the new request is not attached. Chairman Sisson asked if this request could be varied as an accessory structure in the side yard. Mr. Cummings stated yes. Chairman Sisson asked if letters were sent out and if there was any opposition. Mr. Cummings stated there was a letter of opposition. Chairman Sisson asked for comments from those present.

Holly Ricks of 1305 Appalachee Drive appeared before the Board and stated this structure is much larger than what is typically seen in this area. Ms. Ricks also stated this structure would be within 5’ of the property line.

Dr. Branham asked if the structure could be turned. Mr. Steel stated it could be turned however the structure would be much more expensive. Dr. Branham stated he does not see a need for a variance in this case. Mr. Cummings asked if the appellant was building this to cover a boat. Mr. Steel stated the client would not be able to fit a boat within the structure due to the reduction in size. Chairman Sisson asked if the City has any issues. Mr. Cummings stated no. Ms. Lee stated the appellant has a large yard to work with and if they reworked the plans would be able to build without a variance. Chairman Sisson asked if there was a motion.

Chairman Sisson asked if there was a motion on the request the location of a structure. None was given; therefore, the request was **denied**.

A motion was made by Vice Chairman Peake and seconded by Chairman Sisson to approve the October 15, 2019, meeting minutes. **Approved unanimously.**

There being no further business, the meeting adjourned at 9:02 p.m.