Administration Building

 Council Chambers

308 Fountain Circle

June 16, 2020

6:00 p.m.

**BOARD OF ZONING ADJUSTMENT**

Members Present:

Mr. Martin Sisson – Chairman

Mr. Bert Peake – Vice Chairman

Mr. Fred Coffey

Ms. Kimberly Ford

Mr. Johnny Ozier – Supernumerary

Dr. David Branham

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.

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. 9079-2 2515 Ninth Avenue SW;** A special exception to allow patio seating and live entertainment, Victor Burlingame of Brother Velo, LLC, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a special exception to allow patio seating and live entertainment in a Neighborhood Business C1 Zoning District.

Mr. Cummings stated this request was before the Board last year and the appellant is requesting to extend the previously approved special exception. Mr. Cummings also stated the church, whom appeared last year, is not present tonight. Dr. Branham asked for clarification on why the appellant is back before the Board. Mr. Cummings stated the previously granted special exception was for one year only. Chairman Sisson asked if this establishment had any complaints. Officer Hollingsworth stated no. Victor Burlingame of Brother Velo, LLC, appeared before the Board and stated he has had no complaints and only great response to his coffee shop. Mr. Cummings stated Michelle McMullen of the Lowe Mill neighborhood called and stated this establishment has been good for the neighborhood. Vice Chairman Peake asked if the church was in opposition. Mr. Burlingame stated no.

A motion was made by Dr. Branham and seconded by Vice Chairman Peake to approve a special exception to allow patio seating and live entertainment with the stipulation of the live entertainment ends no later than 9 p.m., for one year only and for this appellant only. **Approved unanimously**.

**Case No. 9081-2**  **2710 Carl T. Jones Drive SE**; A special exception to allow live entertainment and patio seating; Belinda K. Taylor of Flight Plan Wine and Tapas, Inc., appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a special exception to allow live entertainment and patio seating in a Neighborhood Business C1 Zoning District.

Belinda K. Taylor of Flight Plan Wine and Tapas, Inc., appeared before the Board and stated she was before the Board last year and her request for entertainment was approved. Ms. Taylor also stated she is wanting to extend the previously approved special exception. Mr. Cummings stated the appellant would like to have patio seating to the establishment. Mr. Cummings also stated this is the corner unit. Ms. Taylor stated the patio seating would take up 2 parking spaces and they are proposing a fence around the patio seating. Vice Chairman Peake asked if the neighbors are in opposition. Ms. Taylor stated no. Officer Hollingsworth asked for clarification on the access to the proposed patio seating. Ms. Taylor stated access is from inside the unit. Mr. Cummings stated this request is for a special exception for the use of patio seating and not for the design.

A motion was made by Vice Chairman Peake and seconded by Mr. Ozier to approve a special exception to allow patio seating and live entertainment for one year only and for this appellant only. **Approved unanimously**.

**Case No. 9227-2 200 Davis Circle SW;** The size of signage and a variance to allow monument signs in a General Business C3 Zoning District, Sandi Singletary of Trav-Ad Signs Inc. for Justin Dorning of Redstone Federal Credit Union, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a front yard setback variance, this request will also require a location of off-street parking variance, and this request will also require a PVA Landscape variance.

Mr. Ozier recused.

Sandi Singletary of Trav-Ad Signs Inc. for Justin Dorning of Redstone Federal Credit Union appeared before the Board and stated Redstone Federal Credit Union has 3 street frontages at this location. Mr. Singletary also stated due to the 3 street frontages at this location they are requesting 2 monument signs. Mr. Singletary stated each monument sign needs an additional 23 square feet in size for a total request of 47.96 square feet. Chairman Sisson asked for clarification on why the request is to allow monument signs. Mr. Cummings stated monument signs are not permitted for single tenant buildings. Mr. Cummings stated this type of request is a part of the Sign Ordinance the City is working to Amend. Dr. Branham asked why they need the monument signs larger. Mr. Singletary stated due to the shape and size of the lot, it is difficult to advertise. Dr. Branham asked for clarification if this was a multiple tenant building would this request be allowed. Mr. Cummings stated yes.

A motion was made by Dr. Branham and seconded by Ms. Lee to approve a 47.96 square foot size variance for attached accessory signage and a variance to allow 2 monument signs in a General Business C3 Zoning District. **Approved unanimously**.

**Case No. 9226-2 4206 Oakwood Ave NW**; A use variance to allow alcohol sales; Marsau Scott of Blaque, LLC appellant**.** Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a use variance to allow a Class I lounge liquor retailer without package sales in a Neighborhood C2 Zoning District.

Chairman Sisson stated this request has been withdrawn.

Chairman Sisson then called the regular agenda items.

**Case No. 9220 7600 Flint Crossing Circle SE;** A special exception to allow a swimming pool and clubhouse; Daniel Hopkins for Jeffrey M. Benton of Jeff Benton Development, Inc., appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a special exception to allow a swimming pool and clubhouse in a Residence 2-A Zoning District.

Daniel Hopkins for Jeffrey M. Benton of Jeff Benton Development, Inc., appeared before the Board and stated they are proposing a 20’x40’ cabana that will include 2 bathrooms and are proposing a small swimming pool for this community. Mr. Cummings stated they will be meeting all lighting and landscaping requirements. Dr. Branham asked how many homes might be impacted by this request. Mr. Hopkins stated one house is adjacent to this property. Vice Chairman Peake stated this type of request does not require a hardship. Chairman Sisson asked if the City has any comments. Mr. Cummings stated no.

A motion was made by Vice Chairman Peake and seconded by Mr. Ozier to approve a special exception to allow a pool and club house in a Residence 2A Zoning District. **Approved unanimously**.

**Case No. 9232 127 Holmes Ave NW Suite 202**; Additional signage; Angela Panzica of Dyestone Hospitality, LLC d/b/a Stella’s Elixir Lounge, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a variance to allow one (1) additional sign to the front of a multi-tenant building.

Chairman Sisson recused.

Angela Panzica of Dyestone Hospitality, LLC d/b/a Stella’s Elixir Lounge appeared before the Board and stated this proposed sign would be above the main entrance on the 2nd floor. Vice Chairman Peake asked how many tenants in this building. Ms. Panzica stated 4 tenants total. Dr. Branham asked for clarification if this building can only have one attached sign. Mr. Cummings stated yes, and the City is working to amend the Sign Ordinance. Vice Chairman Peake asked how other buildings in this area could have multiple signs for multiple tenants. Mr. Cummings stated by a variance until the Sign Ordinance is amended. Vice Chairman Peake asked if this request would be in line with the changes being made. Mr. Cummings stated yes. Vice Chairman Peake asked if the only signage allowed for multiple tenants would be a lobby sign. Mr. Cummings stated yes.

A motion was made by Dr. Branham and seconded by Ms. Ford to approve a variance to allow a 23.32 square foot attached sign due to the fact the City is in the process of amending the Zoning Ordinance. **Approved unanimously**.

**Case No. 9233 185 Plummer Road NW**; The location of a sign; Jahazy P. Rooks of Center Grove United Methodist Church, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a seven foot setback variance for the location of an accessory ground sign.

A motion was made by Chairman Sisson and seconded by Vice Chairman Peake to continue for 30 days. **Approved unanimously**.

**Case No. 9234 1106 Bluefield Drive SE**; The location of a structure, Patricia B. Millirons, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 15 foot rear yard setback variance.

Larry Marshall for Patricia B. Millirons appeared before the Board and stated he is proposing a sunroom with a laundry for his mother. Mr. Marshall also stated his mother is 87 years old and can no longer go to the detached accessory structure to do her laundry. Mr. Marshall also stated in the proposed addition they would like to have a weather safe room for inclement weather. Chairman Sisson asked why the addition needed to be 26 feet deep. Mr. Marshall stated the size is to have enough space for everyone to gather. Vice Chairman Peake asked if the fireplace was a part of the depth of the addition. Mr. Cummings stated no, the fireplace is considered an architectural feature. Chairman Sisson asked where is the access to the addition. Mr. Marshall stated through the kitchen. Mr. Ozier asked if the adjacent neighbors meet the rear yard setback. Mr. Cummings stated they are all on the 40’ rear yard setback. Mr. Cummings also stated there is one property with an approved rear yard setback variance due to the shape it’s lot. Dr. Branham stated he would be more inclined to approve a rear yard setback for this proposed addition if they lessened the depth and made it inline with the laundry room. Chairman Sisson asked for clarification of what the request would be if they aligned the addition with the laundry room. Mr. Cummings stated a 10 foot rear yard setback variance. Chairman Sisson asked if the City has any comments. Mr. Cummings stated no.

A motion was made by Vice Chairman Peake and seconded by Dr. Branham voted to approve a 10 foot rear yard setback variance for an addition. **Approved unanimously**.

**Case No. 9235 3915 Panorama Drive SE**; The location of a structure; Ray Fulkerson, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings this request will require a 9 foot 8 inch secondary front yard setback variance.

Chairman Sisson stated this request has been withdrawn.

**Case No. 9236**  **16 Georgetta Drive SE**; The location of a structure, Jason N. Johnson of Cornerstone Builders, LLC, appellant. Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 15 foot rear yard setback variance for the location of an accessory building.

Mr. Cummings stated this request is before the Board due to a permit being issued for a detached accessory structure. Mr. Cummings also stated per the PUD regulation there is a 30 foot Utility & Drainage Easement that is being reduced to a 15 foot Utility & Drainage Easement. Mr. Cummings stated there is a statement from the development to relax the PUD restriction. Jason M. Johnson of Cornerstone Builders, LLC, appeared before the Board and stated he is building this accessory structure and is vacating the easement. Dr. Branham asked for clarification on the setback requirement. Mr. Johnson stated 15 feet of rear property line. Chairman Sisson asked for clarification on why this is before the Board. Mr. Cummings stated this request is before the Board because a permit was issued and so it needs a variance.

A motion was made by Dr. Branham and seconded by Vice Chairman Peake to approve a 15 foot rear yard setback variance for a detached accessory structure due to fact the developer is in the process of amending the PUD requirements. **Approved unanimously.**

**Case No. 9237 1403 Pratt Avenue NE**; A rear lot coverage variance, Daniel Anderson Haga, appellant**.** Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require an 8% rear lot coverage variance.

Daniel Anderson Haga appeared before the Board and stated he would like to build a detached 1 car garage with a work space area. Vice Chairman Peake asked about the dimensions. Mr. Haga stated 32 foot by 30 foot. Chairman Sisson

A motion was made by Vice Chairman Peake and seconded Mr. Ozier by to approve an 8% rear lot coverage variance for the location of an accessory structure. **Approved unanimously.**

**Case No. 9238 2501 Poole Drive NW**; PVA landscaping, Mary E.B. Robinson of Schoel Engineering for Paul Eirich III of Regency HSV Acquisitions, LLC appellant**.** Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a west side PVA perimeter landscape variance

A motion was made by Chairman Sisson and seconded by Vice Chairman Peake to approve a 5 foot PVA perimeter landscape variance on the west property line due to the fact the required plant material will be provided on the east property line of the adjacent property and the two subject properties are under common ownership. **Approved unanimously.**

**Case No. 9239 7252 Governors West NW**; Additional signage and the size of signage, Michelle Hunter appellant**.** Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a use variance to allow one additional attached accessory sign in a Commercial Industrial Park Zoning District and a variance to allow an additional 19.5 square.

A motion was made by Chairman Sisson and seconded by Vice Chairman Peake to continue for 30 days. **Approved unanimously**.

**Case No. 9240 7800 AL Highway 20 NW**; PVA landscaping, PVA lighting, location of off-street parking, and type of off-street parking, Charles Grelier, Jr. of 7800 Madison, LLC, appellant**.** Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a PVA landscaping variance, a PVA lighting variance, a variance for the location of off-street parking, and a variance for the type of off-street parking.

A motion was made by Chairman Sisson and seconded by Mr. Coffey to approve a 30 foot variance on the west property line for the location of off- street parking and drive aisles, and a 45 foot variance on the south property line for the location of off-street parking and drive aisles due to the fact the City of Huntsville’s road widening project required the removal of some existing parking spaces, PVA Perimeter Landscaping variance, a PVA Interior Landscape variance, and the PVA upgrades will not require additional bicycle parking spaces all due to the fact the City of Huntsville’s road widening project required the removal of some existing parking spaces, buffer of screen planting variance with the stipulation one tree per 30 linear feet and some screening shrubs are provided along Madison Boulevard aka Highway 20, and a PVA lighting variance with the stipulation the new location of the parking area meets the intent of the Lighting Ordinance and with the understanding the Lighting Plan will not require a Professional Engineer’s stamp. **Approved unanimously.**

**Case No. 9241 1322 Pratt Avenue NE**; The location of a structure, total lot coverage, and rear yard lot coverage variance, Jake Gattis of Guild Builders LLC for Timothy T. Payment, appellant**.** Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 3.8% total lot coverage variance, a 4% rear lot coverage variance, and a 2 foot 6 inch secondary front yard setback variance for an open porch.

A motion was made by Vice Chairman Peake and seconded by Mr. Ozier to approve a 2 foot 6 inch side yard setback variance with the stipulation the front porch is not enclosed, a 1.4% total lot coverage variance and a 14% rear lot coverage variance due to the fact this variance was previously approved on May 21, 2019. The motion passed 4 to 1. Dr. Branham was a no vote.

**Case No. 9242 1122 Clinton Avenue SE**; The location of a structure, total lot coverage and rear yard lot coverage variance, Gary W. Watson, appellant**.** Mr. Baudendistel stated the location of the property. Mr. Cummings stated this request will require a 3 foot secondary front yard setback variance, an 18 foot 6 inch rear yard setback variance, a 25% total lot coverage variance, and a 17.5% rear lot coverage variance.

A motion was made by Chairman Sisson and seconded by Vice Chairman Peake to continue for 30 days. **Approved unanimously**.

There being no further business, the meeting adjourned at 8:11 p.m.