Administration Building

Council Chambers

305 Fountain Circle

April 15, 2025

6:00 p.m.

**BOARD OF ZONING ADJUSTMENT**

Members Present:

Martin Sisson - Chairman

Bert Peake - Vice Chairman

Ms. Kimberly Ford

Dr. David Branham

Mr. Johnny Ozier

Ms. Wendy Lee – Supernumerary

Mr. Eddie Davis- Supernumerary

Others Present:

Mr. Thomas Nunez, City of Huntsville Planning Department

Mr. Travis Cummings, City of Huntsville Zoning Administration

Mrs. Courtney Edwards, City of Huntsville Zoning Administration

Mr. Robert Baudendistel, City of Huntsville Zoning Administration

Mr. Michael Forsythe, City of Huntsville Zoning Administration

Sgt. Christopher Davis, City of Huntsville Police Department

Officer Hudson Slater, City of 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. If required, proper permits must be obtained during that time. Also, if the Board denies a request, the appellant will have to wait six months before reapplying for a variance unless there is a significant change in the appellant’s request.

Chairman Sisson then called the extension agenda items.

**Case No. 9045-4** **1812 Pulaski Pike NW,** A use variance to allow an adult day care, Connie P. Earskine, appellant. Mrs. Edwards stated the location of the property, and stated the request:

* This request will require a use variance to allow an adult day care at an existing single family residence in a Residence 1-B Zoning District.
* In a Residence 1-B Zoning District, adult day cares are not permitted.

Appellant statements,

Connie P. Earskine appeared before the Board and stated she is requesting an extension to her variance for this location where she provides adult daycare services.

Chairman Sisson asked if there have been any changes.

Ms. Earskine stated no.

Chairman Sisson asked what are all the uses at this location?

Ms. Earskine stated the adult daycare and her office.

Mr. Cummings stated the appellant has come before the Board for this request previously and the time frame is up, so she is back before the Board for an extension.

A motion was made by Vice Chairman Peake and seconded by Dr. Branham to approve a use variance to allow an adult day care at an existing single-family residence in a Residence 1-B Zoning District for a period not exceeding three (3) years. **Approved unanimously**.

**Case No. 9087** **4103 Piedmont Drive SE,** The location of a structure to revise a previously approved tree remediation plan, Keith Mandel for Jitesh Kar, appellant. Mrs. Edwards stated the location of the property, and stated the request:

* This request will require a variance for the location of a structure due to the front yard average.
* This request will also require a variance to revise a previously approved tree remediation plan due to violations within a Slope Development District.
* In a Residence 1-A Zoning District, 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; provided no front yard shall be less than twenty (20) feet except a Residence 1-C.

A motion was made by Chairman Sisson and seconded by Dr. Branham to approve a request to continue for 30 days. **Approved unanimously.**

**Case No. 9876** **Tract 1 of the Sunset on Green Mountain Subdivision, (A.K.A. PPIN 536224, west of 5106, 5100, 5094, 5088, and 5082 Willow Drive SE (A.K.A. Lots 3 through 8 of the Sunset on Green Mountain Subdivision on Willow Drive SE, including PPIN’s: 536221, 572526, 572527, 572528, 572529, 572530, and east of Green Mountain Road),** A variance to allow a tree remediation plan due to violations within the slope development at district on a lot that includes colluvium soil, Alex Maxwell of Deltina Development Corporation, appellant. Mrs. Edwards stated the location of the property, and stated the request:

* This request will require a variance to approve a tree remediation plan due to violations within a Slope Development District.
* In a Slope Development District, newly subdivided lots are eligible for modified density controls when at least fifteen percent (15%) of the total area within the subdivision is permanently set aside prior to development and is to remain in its natural undisturbed state.
* Lots located within a Slope Development District which are platted to include any permanent reservation of land do not permit the cutting or removal of any trees within a “do not disturb” area.

A motion was made by Chairman Sisson and seconded by Dr. Branham to approve a request to continue for 30 days. **Approved unanimously.**

**Case No. 9878** **2626 Carl T. Jones Drive SE, Unit A,** A special exception to allow patio seating in a Neighborhood Business C-1 Zoning District, Utkarsh Rajesh Patel of L.C. Valley Inc., appellant. Mrs. Edwards stated the location of the property, and stated the request:

* This request will require a special exception to allow patio seating in a Neighborhood Business C1 Zoning District.

Appellant statements,

Filemon Sandoval appeared before the Board and stated he is requesting a special exception to allow patio seating in a Neighborhood Business C1 Zoning District. Mr. Sandoval stated they have 30 patio seats.

Dr. Branham asked if they would have music or any live entertainment.

Mr. Sandoval stated no.

Vice-Chairman Peake asked what are the hours of operation for this establishment?

Mr. Sandoval stated Monday-Thursday 6:30 a.m.- 9:00 p.m., Friday-Saturday 6:30 a.m.- 10:00 p.m., and Sunday 6:30 a.m.- 8:30 p.m.

A motion was made by Dr. Branham and seconded by Ms. Ford to approve a special exception to allow patio seating in a Neighborhood Business C1 Zoning District with the stipulation operating hours are not to run past 9:00 p.m. Monday through Thursday, 10:00 p.m. Friday and Saturday, and 8:00 p.m. Sunday; all for this appellant only. **Approved unanimously.**

Chairman Sisson then called the regular agenda items.

**Case No. 9880** **821 Farley Drive SE,** The location of a structure, Randy Reynolds and Janice Reynolds, appellant. Mrs. Edwards stated the location of the property, and stated the request:

* This request will require a 13 foot 4 inch rear yard setback variance for an attached addition abutting a golf course.
* This request will also require a 1 foot 6 inch south side yard setback variance for the proposed addition.
* In a Residence 1-A Zoning District, a 40 minimum rear yard setback is required.
* In a Residence 1-A Zoning District, the minimum side yard setback is 10 feet for a structure 1 to 1 ½ stories in height.

Chairman Sisson recused.

Appellant statements,

Randy and Janice Reynolds appeared before the Board and stated they were here in January for a detached garage.

Mr. Reynolds stated they have spoken to the most affected neighbor and are now requesting to attach the garage to maintain the neighbor’s view. Mr. Reynolds stated they are now asking for a side yard and rear yard variance. Mr. Reynolds also presented a letter in support from a neighbor.

Vice-Chairman Peake asked where the variance requests are located.

Mr. Baudendistel displayed the side yard variance request and the rear yard variance request.

A motion was made by Dr. Branham and seconded by Ms. Ford to approve a 13 foot 4 inch rear yard setback variance and a 1 foot 6 inch south side yard setback variance for the proposed addition abutting a golf course as presented. **Approved unanimously**.

**Case No. 9881** **3414 Ninth Avenue SW**, PVA Lighting and PVA Landscaping variance, Jason Phillips of J.M. Phillips Engineering LLC, for Jimmy Wall of CU Properties, L.L.C., appellant. Mrs. Edwards stated the location of the property, and stated the request:

* This request will require a PVA Lighting and Landscaping variance for a proposed office building at an existing commercial site in a Light Industry Zoning District.
* In a Light Industry Zoning District, all Off-Street Parking and Paved Vehicular Areas (PVA) are required to meet parking and landscaping requirements.

Appellant statements,

Jason Phillips of J.M. Phillips Engineering LLC appeared before the Board and stated they are demolishing the existing office building and putting in a fenced area for employees.

Mrs. Edwards stated Zoning Administration has seen similar requests in the past for the existing JSI Contracting’s site.

Chairman Sisson asked will lighting comply in the front area that faces Ninth Avenue?

Mr. Phillips stated yes.

Dr. Branham asked about the lights in the rear for the employees.

Mr. Phillips stated there will be wall packs on the buildings and will be fenced for employees. Mr. Phillips also stated pole lights would interfere with deliveries and this business would have no late-night activities.

A motion was made by Mr. Ozier and seconded by Ms. Ford to approve a PVA Lighting and PVA Landscaping variance for a proposed office building at an existing commercial site in a Light Industry Zoning District with the stipulation the PVA lighting and PVA landscaping requirements are met on the new parking area. **Approved unanimously**.

**Case No. 9882** **4710 University Drive NW, Unit K,** A use variance to allow a package store in a Light Industry Zoning District, Roderic G. Steakley for Charles Kramer of Huntsville

West Limited Partnership c/o Brookhill Management Corp., appellant. Mr. Baudendistel stated the location of the property and stated the request:

* This request will require a use variance to allow a package store in a Light Industry Zoning District.
* In a Light Industry Zoning District, package stores are not permitted.

Appellant statements,

Mr. Rod Steakley appeared before the Board and stated he is representing the ABC store, and we are requesting a use variance for package sales in a Light Industry Zoning District.

Mr. Steakley stated the ABC store would like to relocate to this property from the current location on University Drive.

Mr. Steakley stated the proposed location is located in a shopping center that faces University Drive and has no direct access to the apartments located in the rear of this proposed location.

Mr. Cummings stated the current ABC store location on University Drive is a non-conforming use in a Light Industry Zoning District and the existing abutting multi-family complex is also in the Light Industry Zoning District. Mr. Cummings also stated the proposed new location is abutting a multi-family complex that is in a Residence 2B Zoning District.

Mr. Cummings further stated the Board has been protective of variance requests for package stores.

Chairman Sisson asked which zoning district permits a package store?

Mr. Cummings stated Highway Business C-4 and Heavy Industry Zoning Districts. Zoning Administration gets calls daily for package store requests.

Dr. Branham asked for clarification on how the existing store could be located at its current location with a multi-family complex behind it.

Mr. Cummings stated it is possible because it was a state entity, it was reviewed differently.

Dr. Branham asked if the existing package store leaves, does it lose its grandfathered status? Mr. Cummings stated yes.

Chairman Sisson asked if the request got denied, would the ABC store stay?

Mr. Steakley stated yes.

Mr. Ozier asked if there is any variance history of these types of requests.

Mr. Cummings stated no, the Board is extremely protective and had previously denied Costco.

Vice-Chairman Peake asked if the store is moved to this proposed location, if this request was approved, would it set a precedent?

Mr. Cummings stated yes.

Mr. Nunez stated outside of the existing ABC store, there is no other package store in Light Industry.

Chairman Sisson asked if there was anyone present to speak.

Neighbor statements:

Trisha Watterton of 6396 University Drive appeared before the Board. Ms. Watterton stated she opposes this request because as a package store owner she has made several requests in the past and was denied; therefore, she is requesting the Board remain consistent.

John Cutter of 2410 Lafayette Road appeared before the Board and stated he is the owner of Windmill Beverage and wants the Board to be consistent with denying this request.

James Watterton of 6396 University Drive appeared before the Board and restated the previous statements of opposition.

Chairman Sisson asked if there is a motion. No motion was made therefore the request was **denied**.

**Case No. 9883** **6806 Whitesburg Drive SW,** A height variance and an additional story variance, Robert Mercer of Chapman Sisson Architects, Inc. for Philip E. Slusher of Whitesburg Baptist Church, appellant. Mr. Baudendistel stated the location of the property and stated this request.

* This request will require a 16-foot 7-inch rear yard setback variance for a proposed addition facing a church parking lot.

Chairman Sisson & Mr. Ozier recused.

Appellant statements,

Robert Mercer appeared before the Board, stating since the church has had such growth, they are looking to expand and are requesting a 10-foot height variance and additional ½ story variance for an administrative office and music wing.

Vice-Chairman Peake asked are we dealing with residential height requirements?

Mr. Baudendistel replied yes.

Vice-Chairman Peake asked about any variance history.

Mr. Cummings stated we did not see a height variance. If you are standing on Whitesburg, it looks like it is going down into a gully. There is a finished basement, and you will not see the height from Whitesburg Drive.

Dr. Branham asked will this structure be the tallest at Whitesburg Church?

Mr. Mercer stated yes, taller than others.

Dr. Branham asked if the structure could be made wider?

Mr. Mercer stated it would take up parking, and extending the building out more would not be preferred.

Dr. Branham asked about any height variances for other churches.

Mr. Cummings stated we haven’t varied any height variances for churches because the average height is 450 feet from residential.

Mr. Mercer requested he would like an extended time frame to cover the amount of time to get drawings.

Mr. Cummings stated the appellant wants to request 24 months instead of 6 months. This was done during Covid, and this must be stated and put in the motion. Mr. Mercer stated maybe 18 months but maybe more.

Vice-Chairman Peake stated I don’t see an issue with additional time frame.

A motion was made by Dr. Branham and seconded by Ms. Lee to approve a 10 foot height variance and a variance to allow an additional ½ story for a proposed addition at the rear of an existing church that sits below the road frontage on Whitesburg Drive. Due to the fact the 10 foot height variance and additional ½ story variance is still below the height of the existing church chapel as presented. The Board also granted an additional 18 months to obtain permits. **Approved unanimously**.

 **Case No. 9884** **3721 Nolen Avenue SE,** The location of a structure, John M. Stanley of Land Surveying, Inc. for Donald Micheal Cook and Sandra Marsh Cook, appellant. Mrs. Edwards stated the location of the property and stated the request.

* This request will require a 146 foot front yard setback variance due to the front yard average.
* 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 an undeveloped lot shall be within five (5) feet of the average front yard; provided no front yard shall be less than twenty (20) feet except in a Residence 1-C district.

Appellant statements,

Mr. Donald Cook appeared before the board to renew his September 2024 request that was approved previously.

Chairman Sisson asked Mrs. Edwards if this was the same request previously approved.

Mrs. Edwards stated yes.

A motion was made by Mr. Ozier and seconded by Ms. Ford to approve a front yard setback variance for a proposed single-family residence as presented due to the front yard average. **Approved unanimously**.

**Case No. 9885 2811 Governors Drive SW**, A use variance to allow a mobile food truck in a Neighborhood Business C-2 Zoning District, Brittany Verkuyl, appellant. Mrs. Edwards stated the location of the property and stated the request.

* This request will require a use variance to allow a mobile food truck in a Neighborhood Business C-2 Zoning District.
* In a Neighborhood Business C-2 Zoning District, mobile food trucks are not permitted.

Appellant statements,

Ms. Brittany Verkuyl appeared before the board stating she parked her food truck towards the rear of the center after receiving approval from the owner and she renovated the inside of two units including painting the buildings.

Chairman Sisson asked do you rent those two units?

Ms. Verkuyl stated yes.

Dr. Branham asked if there are any other food trucks in this zoning district?

Mr. Cummings stated no, but this request is different because it is set up like a restaurant with indoor seating, similar to a café, and the food truck is stationed 120 feet away from Governors Drive.

Vice-Chairman Peake asked do you order at the truck and sit inside to eat?

Ms. Verkuyl stated yes, and some sit at the patio area.

Dr. Branham asked if we are setting ourselves up for a precedent?

Mr. Cummings stated no, because they have seats inside and can be more flexible.

Michelle McMullen 2807 7th Avenue appeared before the Board discussing the residential neighborhood abutting the rear and read two letters of opposition from homeowners of 2104 4th Street and 2902 10th Avenue.

Chairman Sisson asked Ms. Verkuyl to tell us about her hours.

Ms. Verkuyl stated the hours of operation are 10:30 a.m.- 8:00 p.m.

Ms. Verkuyl stated she added a dumpster on the property.

Mr. Cummings stated she made improvements, and that no debris was on the property during visits.

Chairman Sisson asked about parking.

Mr. Cummings stated parking is compliant.

Ms. Verkuyl stated there is a privacy fence that she repaired and discussed being open till 10:30 p.m. at the latest.

Chairman Sisson asked Ms. Verkuyl about noise and loud music.

Ms. Verkuyl stated there is no music.

Chairman Sisson asked for comments from the city.

Mr. Cummings stated alcohol triggers music.

Chairman Sisson stated no alcohol.

Ms. Verkuyl stated correct, no alcohol.

Dr. Branham stated he is concerned this will be a new model and needs to be moved further away from residential.

Mr. Nunez stated this is unique because the appellant is leasing, and the Board can put in stipulations. Mr. Nunez also stated the City is in discussions on how we can modify food trucks in the City for events.

A motion was made by Chairman Sisson and seconded by Mr. Ozier to approve a use variance to allow a mobile food truck in a Neighborhood Business C-2 Zoning District for a period not to exceed one (1) year due to the fact this appellant leases adjacent units for interior restaurant seating (must maintain lease for duration of operation); all for this appellant only and for one mobile food truck only with the stipulation the hours of operation are not to run past 8:00 p.m. except during the summer months where hours of operation can run through 9:00 p.m. **Approved unanimously**.

**Case No. 9886** **1019 Clinton Avenue NE,** The location of a structure and a rear lot coverage variance, James C. Ezell, appellant. Mrs. Edwards stated the location of the property and stated this request.

* This request will require a 1.8 foot setback variance for an open detached carport.
* This request will also require a 27% rear lot coverage variance.
* An accessory structure requires a 5 foot setback form all property lines.
* In a Residence 1-C Zoning District, 30% rear lot coverage is the maximum.

Appellant statements,

Mr. James Ezell appeared before the Board wanting to use the existing concrete pad to have covered parking to attach a carport to the existing structure.

Chairman Sisson stated so we have two requests, a side yard setback variance and rear lot coverage variance. Mrs. Edwards stated yes.

Dr. Branham asked if 57% rear lot coverage was accurate?

Mrs. Edwards stated correct.

Vice-Chairman Peake asked what was on the concrete pad.

Mr. Ezell stated nothing.

Vice-Chairman Peake asked how much did we approve?

Mrs. Edwards stated it’s in line with variances in the area with the highest being 17% and because Mr. Ezell is pushing it towards the alley, this is what triggering the rear lot coverage. Mrs. Edwards further stated, it’s in line with the neighborhood.

A motion was made by Vice-Chairman Peake and seconded by Ms. Lee to approve a 1.8 foot setback variance for an open detached carport and a rear lot coverage variance for an open carport with the stipulation the structure is not to be enclosed. **Approved 4 to 1.**

**Case No. 9887** **1203 Dale Drive SE,** The location of a structure, Robert A Everett and Ashlyn S. Everett, appellant. Mrs. Edwards stated the location of the property and stated this request.

* This request will require a 6 foot rear yard setback variance for an open deck.
* This request will also require a 2 foot side yard setback variance for an open deck.
* In a Residence 1-A Zoning District, a 40 foot rear yard setback is required.
* In a Residence 1-A Zoning District, a 10 side yard setback is required for a 1 to 1 ½ stories in height.

Chairman Sisson recused.

Appellant statements,

Mr. Robert Everett and Mrs. Ashlyn Everett appeared before the Board requesting to replace and expand their deck with no roof or wall structure. The Everett’s stated they can only expand the deck some due to the topography of this property.

Mrs. Edwards stated it looks like a one story from the street but it’s 3 feet in height, and the staircase is elevated.

Mrs. Everett provided letters of support from neighbors.

A motion was made by Dr. Branham and seconded by Mr. Davis to approve a 6 foot rear yard setback variance and a 2 foot side yard setback variance to replace an existing deck in a similar footprint as presented with the stipulation the deck is not to be enclosed. **Approved unanimously.**

**Case No. 9888 504 Eustis Avenue SE,** The location of a structure, Jeremiah Wade of The Mulberry Studio, LLC for Jay Stanley Hoyle, appellant. Mrs. Edwards stated the location of the property and stated this request.

* This request will require a 10 foot side yard setback variance to allow a porte-cochere along the east side of an existing two-story residence.
* In a Residence 1-A Zoning District, a 12 foot side yard setback is required for a structure 2 to 2 ½ stories in height.

Appellant statements,

Mr. Jeremiah Wade appeared before the Board requesting to cover the existing driveway with a porte-cochere to cover a car.

Chairman Sisson asked how the water runoff is handled.

Mr. Wade stated water drains into underground drainage through downspouts.

A motion was made by Vice-Chairman Peake and seconded by Mr. Ozier to approve a 10 foot side yard setback variance to allow a porte-cochere as presented with the stipulation the proposed addition is to remain open. **Approved unanimously.**

**Case No. 9889** **2700 Thornton Circle SW,** The location of a structure, Daniel Wilkerson and Alicia D. Mayo, appellant. Mrs. Edwards stated the location of the property, and stated the request:

* This request will require a 10 foot front yard setback variance for a proposed addition across the front of an existing single family residence.
* In a Residence 1-B Zoning District, a 30 foot front yard setback is required.

Chairman Sisson recused.

Appellant statements,

Daniel Wilkerson appeared before the Board stating his house was built in 1957. Mr. Wilkerson further stated he purchased the house in 2007, renovated the house in 2014 by enclosing the carport to add a bedroom, then had twins needing more bedrooms, a garage, and is before the Board now to request a variance due to two front yards, and is asking to reduce his front yard setback to 20 feet.

Vice-Chairman Peake asked if the secondary front yard is where the issue is? Is 30 feet required?

Mrs. Edwards stated yes.

Mr. Wilkerson stated 30 feet from back of curb.

Vice-Chairman Peake asked about habitable space and the garage.

Mr. Wilkerson stated his garage is side entry for shelter loading four kids in and out of the rain.

Vice-Chairman Peake asked about the width?

Mr. Wilkerson stated 25 feet wide.

Vice-Chairman Peake asked about any visibility line of sight issues.

Mr. Cummings stated no, there are only 2 homes on this street, and this is a unique area.

Vice-Chairman Peake asked is a portion of the house out of compliance?

Mr. Cummings stated no.

Vice-Chairman Peake asked the City for any comments. Mr. Cummings stated this is a different front yard request but normally porches fall into this request.

Dr. Branham stated this is a large request.

Mr. Wilkerson stated he has the support of multiple neighbors.

Mr. Ozier asked about the 25 foot minimum build line.

Mr. Cummings stated the appellant would have to sign an affidavit if approved, that he is building at his own risk. Mr. Cummings also stated we could request to continue for 30 days to work on the design.

Vice-Chairman Peake stated that if we fail to get a motion, you will have to wait 6 months or ask to continue for 30 days to modify your request.

Mr. Wilkerson stated he is asking for a 20 foot setback.

Vice-Chairman Peake asked what is the size?

Mr. Wilkerson stated 20x10 bedroom and I have thought about this for a year.

Britt Tucker 108 Kent Road appeared before the Board in support, stating the corner lot is unique and not obtrusive.

Vice-Chairman Peake asked if there is a motion. No motion was made therefore the request was **denied**.

**Case No. 9890** **Vacant lot PPIN 60754 Wade Road for a proposed single family attached subdivision to include 54 lots aka lots 1 - 54 AKA vacant lot south of Old Highway 431 and east of the Publix Shopping Center aka formerly known as 173 Wade Road SE),** A variance to allow front yard parking in a Residence 2-B Zoning District and a reduction in parking variance, Adrianna Manginelli of Schoel Engineering for Paul Van Hoesen of HSV Wade SPE, appellant. Mrs. Edwards stated the location of the property, and stated the request:

This request has been **withdrawn.**

**Case No. 9891** **736 Lily Flagg Road SE,** The location of a structure, John D. Boles, appellant. Mrs. Edwards stated the location of the property, and stated the request:

* This request will require a 9 foot 11 inch rear yard setback variance for a proposed addition to an existing single-family residence abutting a golf course.
* In a Residence 1-A Zoning District, a minimum rear yard setback of 40 feet is required.

Appellant statements,

Mr. Chris Chandler and Mr. John Boles appeared before the Board stating they are wanting to add a bedroom, the house is set further back, so there is only a rear yard issue.

A motion was made by Dr. Branham and seconded by Vice-Chairman Peake to approve a 9 foot 11 inch rear yard setback variance for a proposed addition as presented due to the fact the rear of this property abuts a golf course. **Approved unanimously.**

**Case No. 9892** **1227 McCutcheon Loop Road,** A use variance to allow a habitable dwelling space with a second kitchen for a newly constructed home in a Residence 1 Zoning District, Jason Beyl for Joshua T. McCully and Tiffany McCully, appellant. Mrs. Edwards stated the location of the property, and stated the request:

* This request will require a use variance to allow a habitable space with a second kitchen attached to a newly constructed home.
* In a Residence 1 Zoning District, a second kitchen shall be located within the dwelling and shall share at least one common interior wall with and be directly accessible from the living areas of the dwelling and shall not be separated from the living areas by an exterior connection or by a non-habitable space such as a garage or breezeway.

Appellant statements,

Mr. Jason Beyl, Mr. Joshua McCully & Mrs. Tiffany McCully appeared before the Board stating they are building a house with a mother-in-law suite.

Chairman Sisson asked the lot size.

Mr. Beyl stated 14 acres.

Dr. Branham asked why you can’t meet the Zoning requirements and what is the hardship?

Mrs. McCully stated our mother needs assistance but doesn’t want to live with them.

Vice-Chairman Peake stated this is not constructed yet.

Mr. Beyl stated this is new construction.

Chairman Sisson stated options are needed to make it compliant.

Mr. Cummings stated this doesn’t look like a traditional duplex or second habitable dwelling.

Vice-Chairman Peake stated the reason this is not allowed is because of two dwellings on one lot and discussed the large parcel history and to redesign and not violate the ordinance.

Mr. Beyl asked, is the second kitchen the main problem?

Chairman Sisson stated yes.

Mr. Cummings stated this concept is different.

Chairman Sisson asked Mr. McCully if he would subdivide this large parcel? Chairman Sisson also asked Mr. Cummings where have we done this before?

Mr. Cummings stated they are not subdividing the parcel; this request is due to the additional plumbing fixtures making the structure have a second habitable space.

Mr. Ozier asked if there were plat restrictions.

Mr. Beyl stated yes.

Chairman Sisson stated trying to not set a precedent.

Mr. Beyl stated this proposed dwelling is 600 feet off the road and majority of the lot is in a flood plain.

Ms. Lee stated the roof connection looks like it’s all one structure.

Chairman Sisson asked the City for any comments.

Mr. Cummings stated this is a unique request and the shape of the home is not traditional, and the City is looking at ADU’s but does not want to set off a domino effect for other requests.

Mr. Ozier asked if there is no common wall. Mr. Cummings stated yes.

Vice-Chairman Peake asked if the home has only one electrical meter.

Mr. Beyl stated yes.

Vice-Chairman Peake stated we are stretching ourselves too far and the need to look for other options for a 30-day continuation.

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

**Case No. 9893** **2650 Leeman Ferry Road SW, Suite B,** A special exception to allow an alcohol beverage manufacturer in a Heavy Industry Zoning District, Jacob Tyriver of Black Patch Distilling Company, LLC, appellant. Mrs. Edwards stated the location of the property, and stated the request:

* This request will require a special exception to allow an alcohol beverage manufacturer that conducts tasting or samplings in a Heavy Industry Zoning District.

Appellant statements,

Mr. Jacob Tyriver of Black Patch Distilling Company appeared before the Board stating Black Patch Distilling Company was originally located in Madison but lost the lease and they produce six different varieties of bourbons with scheduled tastings by appointment only, and they are not open to the public.

Chairman Sisson asked what are the hours of operation?

Mr. Tyriver stated they would be closed on Sunday and Mondays but open Tuesday through Saturday from 11:00 a.m.-6:00 p.m.

Mrs. Edwards stated there is no impact to the neighborhood due to no residential zoning district around.

A motion was made by Dr. Branham and seconded by Mr. Ozier to approve a special exception to allow an alcohol beverage manufacturer that conducts tasting or samplings in a Heavy Industry Zoning District as presented. **Approved unanimously.**

**Case No. 9894** **1009 Airport Road SE,** A PVA lighting and PVA landscaping variance, Landon Boggs of Kimley-Horn for Brett Horowitz of Branch Westbury Associates LP, appellant. Mrs. Edwards stated the location of the property, and stated the request:

* This request will require a PVA lighting and PVA landscaping variance.

Appellant statements,

Mr. Landon Boggs of Kimley Horn appeared before the Board stating this out parcel requires a PVA landscaping variance. Mr. Boggs also stated they would meet the interior landscaping requirement and provide perimeter landscaping elsewhere on the site.

Chairman Sisson asked is this a new building?

Mr. Boggs stated yes.

Dr. Branham asked if the lighting will be compliant?

Mr. Cummings stated they will meet the lighting requirements.

A motion was made by Mr. Ozier and seconded by Ms. Lee to approve a PVA landscaping variance as presented with the stipulation all required perimeter landscaping will be included elsewhere on the site. **Approved unanimously.**

**Case No. 9895** **2106 Seminole Drive SW** Location of parking in a Residence Office 2 Zoning District, Andrew Hanks and Courtney Hanks of Sojourn Spaces, LLX, appellant. Mrs. Edwards stated the location of the property, and stated the request:

* This request will require a variance to allow parking within a front yard in a Residence Office 2 Zoning District.
* In a Residence Office 2 Zoning District, all parking shall be off-street and located in the rear of the structure.

Appellant statements,

Mr. Cummings described the previous request and parking in the rear only.

Mr. Andrew Hanks, Mrs. Courtney Hanks, and Mr. Andrew Watson appeared before the Board stating they would like to remove the gravel lot and put in a u-shape driveway.

Dr. Branham asked about the notice of violation, and if they were still having to remove the gravel lot?

Mr. Cummings stated correct, they wish to add sod and plant material all the way to the street including the 25-foot R.O.W. and add landscaping that abuts the residential home to the east, and we consider this a significant change.

Mr. Watson stated it’s more practical to keep parking in the front because only one car can fit in the rear.

Mr. Cummings stated counselors are not scheduled at the same time.

Mr. Hanks stated they are working on a parking agreement with adjacent properties.

Dr. Branham stated they have improved this concept but is concerned because of no rear parking and concerned about a circular driveway with parking in the front.

Mr. Hanks stated it’s all commercial around them and the alley way is unimproved, which would provide six spaces.

Mr. Cummings stated we wanted the Board to see the updated parking plan, showing the cars as to not mislead the Board.

Mr. Watson stated we are pushing 20-foot width to get parking in the front.

Chairman Sisson stated this is a concrete front yard with an island in the front.

Mr. Watson stated we can reduce it to 17 feet.

Mr. Ozier stated no, reduce to 12-14 feet.

Mr. Ozier asked about looping all the way around the house.

Mr. Hanks stated there are AC units on the side.

Chairman Sisson stated they need to make it look more residential instead of a concrete front yard.

Mr. Ozier stated they need a written agreement for off-site parking.

Mr. Cummings stated this is a tough site, cars can park on the street in residential, but not businesses. Also, Mr. Cummings stated there is 25 feet of yard space that is R.O.W., including running landscape to the R.O.W. and Mr. Cummings also stated the Board could put a maximum number of cars that would be permitted at this location.

Chairman Sisson asked Mr. Hanks if he would have 5 cars at one time?

Mr. Hanks stated yes but mostly 2-3 cars.

Michelle McMullen 2808 7th Avenue appeared before the Board stating this was a self-imposed hardship.

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

**Case No. 9896** **15975 Chaney Thompson Road SE,** A use variance to expand a private school in a Residence 2-B Zoning District, Rebecca Duke of Montessori School of Huntsville, Inc., appellant. Mrs. Edwards stated the location of the property, and stated the request:

* This request will require a use variance to allow modular buildings at an existing private school in a Residence 2-B Zoning District.
* In a Residence 2-B Zoning District, private schools are not permitted.

Appellant statements,

Ms. Rebecca Duke of the Montessori School of Huntsville appeared before the Board stating they are closing another location and wanting to add two temporary buildings until they can expand.

Chairman Sisson asked for how long?

Ms. Duke stated a couple of years.

Dr. Branham asked would this have to come back before the Board due to the expansion?

Mrs. Edwards stated yes.

Vice-Chairman Peake asked if we have approved a modular building before.

Mrs. Edwards stated yes, for Randolph School.

Vice-Chairman Peake stated two years is a long time.

Dr. Branham asked what is behind you?

Ms. Duke stated the greenway and undeveloped property.

Chairman Sisson asked if metal siding would be an issue.

Mr. Cummings stated we know this is a commercial use and we would allow for the expansion of the building.

Chairman Sisson asked could they build a metal building over 1,000 square feet in residential?

Mr. Cummings stated not over 1,000 square feet.

Ms. Duke stated we are trying to work on a strategic plan. Chairman Sisson stated it would probably be more than two years, and the intent is to find more space.

Mrs. Edwards stated the structure to the south is less than 1,000 square feet and the structure to the north is more than 1,000 square feet.

A motion was made by Dr. Branham and seconded by Ms. Lee to approve a use variance to allow modular buildings at an existing private school in a Residence 2-B Zoning District for a period not exceeding two (2) years and with the stipulation no building over 1,000 square feet includes corrugated metal siding. **Approved unanimously.**

**Case No. 9897** **2909 Meridian Street NW,** A use variance to allow a habitable space to remain in a Light Industrial Zoning District, Youlonda Zakari of Rocket City Management Services, LLC, appellant. Mrs. Edwards stated the location of the property, and stated the request:

* This request will require a use variance to allow a second habitable dwelling to remain on a lot with an existing primary residence.

Appellant statements,

Ms. Youlonda Zakari of Rocket City Management Services appeared before the Board.

Mrs. Edwards stated Zoning Administration was notified of habitable space at this location and when Zoning Administration visited the property it was determined it was a studio apartment.

Mr. Cummings stated the inspection department issued a permit and Mrs. Edwards went out to inspect the property and the work was finished.

Mr. Cummings stated all addresses were assigned and each building had an address and 2909 & 2911 Meridian Street on the same parcel. The inspection department flagged the issue to prevent this from happening.

Chairman Sisson asked how challenging would this be to create a flag lot?

Mr. Cummings stated we did not run this by subdivisions. They were ready to get a Certificate of Occupancy (C/O), and this was a complaint from inspections and the inspections director was contacted.

A motion was made by Chairman Sisson and seconded by Dr. Branham to continue this request for 30 days. **Approved unanimously.**

No further business, therefore, the meeting was adjourned at 9:55pm.