

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF JANUARY 3, 2011 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

Vernon Coleman, acting Chair
Sanford Davis
Adam Metcalfe
Russell Reilly*
J. Tyler Turner*
*supernumerary member

MEMBERS ABSENT

Reid Cummings, Chairman
William Guess

STAFF PRESENT

Bert Hoffman, Planner II
Caldwell Whistler, Planner I
Tony Felts, Planner I
Sondi Galanti, Secretary I

OTHERS PRESENT

John Lawler, City Attorney
Butch Ladner, Traffic Engineering
Gerard McCants, Urban Forestry

The notation *motion carried unanimously* indicates a consensus, with the Chairman voting.

CALL TO ORDER:

Acting Chairman, Vernon Coleman, advised all in attendance as to the policies and procedures of the Board of Zoning Adjustment. He noted the number of members present constituted a quorum. He advised that it would require all four members present to vote in the affirmative to approve any variance and then called the meeting to order.

APPROVAL OF MINUTES:

A motion was made by Mr. Metcalfe, with second by Mr. Davis, to approve the minutes from the following meeting:

- June 7, 2010

The motion carried unanimously.

PUBLIC HEARINGS:

#5650

(Case #ZON2010-02888)

Fortis College (Wrico Signs, Inc., Agent)

300 Azalea Road

(West side of Azalea Road, 810'± South of Airport Boulevard).

Sign Variance to allow two wall signs for a tenant on a multi-tenant commercial site in a B-2, Neighborhood Business District; the Zoning Ordinance allows only one wall sign per tenant on a multi-tenant commercial site in a B-2, Neighborhood Business District.

January 3, 2011

Board of Zoning Adjustment

The Chair announced the matter, advising it had been recommended for denial and that the applicant should address the Board regarding the subject at that time.

Wade Wright, Wrico Signs, 3345 Halls Mill Rd, Mobile, AL, spoke on behalf of the applicant and made the following points in favor of approval:

- A. Noted that the College had suites for multi-uses and that it would be less confusing for the customers if the signs were labeled for their exact use.
- B. Noted that the previous owners sign would be taken down and a Fortis College sign would be put up in its place.

Mr. Metcalfe noted that he remembered a previous case, Virginia College, with similar multi-suites that had 2 signs faces on one side facing in one direction and wondered how they had dealt with the different signs on the same wall.

Mr. Felts stated that the decision in that case was to allow them to have the second sign with a second business license.

Hearing no opposition or further discussion, a motion was made by Mr. Metcalfe, with second by Mr. Davis, to approve the Sign Variance to allow two wall signs for a tenant on a multi-tenant commercial site in a B-2, Neighborhood Business District.

The motion carried unanimously.

#5651

(Case#ZON2010-02891)

Henry A. Schwarz, III

2453 Venetia Road

(East side of Venetia Road [private street], ¼ mile± South of Venetia Road [public right-of-way]).

Use Variance to allow the construction of a non-habitable carport and boat storage building as the primary structure for recreational purposes with no primary dwelling on a property in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow an accessory structure as the primary structure without a dwelling on a property in an R-1, Single-Family Residential District.

The Chair announced the matter, advising it had been recommended for denial and that the applicant should address the Board regarding the subject at that time.

Crosby Latham, E.C. Latham & Company, 3651 Old Shell Rd., Mobile, AL, spoke on behalf of the applicant, and made the following points in favor of approval:

- A. Noted that the narrative was written incorrectly. Although the narrative said the Use Variance was to allow the construction of a non-habitable carport and boat storage building, they in fact already existed. The contractor permitted it incorrectly when he worked on the demolition of the house.
- B. Noted that the only remodeling being requested was to add a screened-in area to the water side of the boat storage building.

January 3, 2011

Board of Zoning Adjustment

- C. Noted that the carport had a second floor which was an upstairs storage bldg that could be converted into a 1 room studio. This would comply with the ordinance under R-1 zoning that you have to have a habitable structure on the piece of property for it to qualify.

Mr. Coleman asked if a kitchen was to be added would it comply with the ordinance.

Mr. Felts stated that if the owner added a kitchen and a bathroom that there would be no need for a variance at all.

Mr. Latham noted that the 2nd floor would be above the 4 foot flood elevation.

Mr. Felts stated that if that was indeed the case then the applicant could withdraw the application and apply for the permits to make it a habitable structure.

Mr. Latham stated that withdrawing the variance would be acceptable for the client.

The Chair recognized the applicant's request to withdraw the request for a variance with their assurance to make the structure habitable.

#5652

(Case #ZON2010-02892)

Gulf Coast Office Products

863 Lakeside Drive

(East side of Lakeside Drive at the East terminus of Lakeside Court).

Parking, Landscaping, and Tree Planting Variances to allow a 4,000 square-foot office/warehouse addition to an existing 5,500 square-foot office/warehouse building with six on-site parking spaces, 205 square feet of frontage landscaping, and eleven total new trees to be planted on site in a B-3, Community Business District; the Zoning Ordinance requires twelve on-site parking spaces for a 9,500 square-foot office/warehouse building, 1,596 square feet of frontage landscaping, and twelve total new trees to be planted in a B-3, Community Business District.

The Chair announced the matter, advising it had been recommended for denial and that the applicant should address the Board regarding the subject at that time.

The following people spoke on behalf of the application:

- Tony Spencer, Frank Dagley and Associates, 717 Executive Park Dr., Mobile, AL, on behalf of the applicant; and,
- Mark Wright, Gulf Coast Office Products, 863 Lakeside Dr., Mobile, AL

They made the following points in favor of approving the matter:

- A. Noted that most of the property along Lakeside Dr. was developed between 1960–1970 when there were virtually no landscaping or parking requirements of any kind.
- B. Noted that the company had several big contracts and this addition was critical to staying in business in this location.

January 3, 2011

Board of Zoning Adjustment

- C. Noted that parking was the main issue. The ordinance stated that 12 parking spaces were needed for the addition.
- D. Noted that they had been in business in Mobile since 2005 and were a commercial seller of office products.
- E. Noted that they did no retail business.
- F. Noted that the staff currently had 3 employees, were not going to add to staff and were only adding the distribution warehouse.
- G. Noted that they had spent roughly \$20,000 in re-doing the drainage.

Mr. Metcalfe asked how they would handle the existing detention and drainage with the addition of the building.

Mr. Spencer stated that they would be collecting all of the run-off in the gutter and downspouts and hard piping it to the front of the parking lot where there was an existing inlet. This would serve the existing bldg and the parking lot and act like a detention area and collect all the water.

Mr. Metcalfe asked how many trucks would be utilized on the site at any given time.

Mr. Spencer stated that periodically there would never be more than 2 trucks on site at any given time.

Hearing no opposition or further discussion, a motion was made by Mr. Davis, with second by Mr. Reilly, to approve the Parking, Landscaping, and Tree Planting Variances to allow a 4,000 square-foot office/warehouse addition to an existing 5,500 square-foot office/warehouse building with six on-site parking spaces, 205 square feet of frontage landscaping, and eleven total new trees to be planted on site in a B-3, Community Business District.

The motion carried unanimously.

#5653

(Case #ZON2010-02893)

Marine Rigging, Inc. (Gary D. E. Cowles, Agent)

500 and 552 Beauregard Street

(West side of North Lawrence Street, extending from Beauregard Street to Stuart Circle).

Use and Parking Surface Variances to allow tension testing and research of marine rigging components with a gravel-surface work area/lay-down yard in a B-4, General Business District; the Zoning Ordinance does not allow a testing and research laboratory and work yards/lay-down yards must be paved in asphalt, concrete, or an approved alternative paving surface in a B-4, General Business District.

The Chair announced the matter, advising it had been recommended for holdover and that the applicant and anyone else who wished to speak should address the Board regarding the subject at that time.

Gary Cowles, 457 St. Michael St., Mobile, AL, spoke on behalf of the application, Marine Rigging and made the following points in favor of the matter:

- A. Noted that they wanted to install a testing bed that would only test the capacity of rigging and cables. All companies that use cables to lift equipment

January 3, 2011

Board of Zoning Adjustment

or to lift a piling are now required to have a certified, tested cable or rigging assembly.

Mr. Cowles asked how three 51 foot vehicles would fit in the drive entrances and still be out of the Right of Way

Mr. Whistler stated that the ordinance required enough room on-site to allow three vehicles to line up to get inside the gate. He added that the fence was put in without permits and without any review for stacking requirements.

Mr. Hoffman noted that the vehicles could not hang out into Beauregard Street when they were turning onto the site with the fence being shut.

Mr. Coleman asked how they planned to abate the noise generated from the cables and keep the cables from popping.

Mr. Cowles stated that the unit would be completely enclosed inside the concrete and the top. The test bed had a reinforced wire cover cage that went over it and the only noise would be the opening and closing of the top. Also, the machine stopped the test prior to the cables popping because at that point the cable would have elongated and would no longer hold the load. He added that the main noise would be from the hydraulic pump and that it would only be used during normal work hours.

Mr. Metcalfe asked if they were going to put in new asphalt.

Mr. Cowles stated that the asphalt in that area was broken up and that they wanted to shift the curb cut slightly to the west and repave that area.

Mr. Metcalfe asked if the gates stayed open during the hours of operation.

Mr. Cowles stated that the gates were only closed at night for security purposes.

Mr. Felts stated that the Planning Commission and the Board of Adjustment had in the past made allowances for approving the variance with the condition that the gate be left open during business hours.

Mr. Hoffman stated that the company's proposed site plans needed to more accurately represent the actual equipment that would be on site.

Mr. Metcalfe asked if a Holdover would hurt the customer.

Mr. Cowles said it would not.

Hearing no opposition or further discussion, a motion was made by Mr. Coleman, with second by Mr. Metcalfe, to hold the matter over until the February 7, 2011, meeting to address the following:

January 3, 2011

Board of Zoning Adjustment

- 1) **submission of justification for a hardship imposed by the property which would warrant the proposed use;**
- 2) **revision of the site plan to accurately depict the test bed frame and foundation pad to an accurate scale;**
- 3) **revision of the site plan to provide bumper stops in all parking stalls which abut the building;**
- 4) **revision of the site plan to illustrate curbing or bumper stops to protect landscaped areas;**
- 5) **revision of the landscaping and tree planting calculations to include both parcels which constitute the site;**
- 6) **revision of the legal description to include both parcels with constitute the site;**
- 7) **revision of the site plan to show dumpsters in compliance with the Zoning Ordinance and Engineering drainage to sanitary sewer requirements; and,**
- 8) **revision of the site plan to indicate the required three-vehicle, 51'-long stacking area on site at the drive entrances short of the gates and out of the right-of-way.**

The motion carried unanimously.

#5654

(Case #ZON2010-02894)

Animal Rescue Foundation

6140 Rangeline Road

(West side of Rangeline Road, 8/10 mile± North of Hamilton Boulevard).

Use, Parking and Fence Height Variances to allow an animal shelter with outdoor runs, non-designated on-site parking, and a 9'-high chain link fence in a B-5, Office-Distribution District; the Zoning Ordinance does not allow an animal shelter or outdoor animal runs in a B-5 Office-Distribution District, requires designated on-site parking spaces, and allows fences to be a maximum height of 8' in a B-5, Office-Distribution District.

The Chair announced the matter, advising it had been recommended for denial and that the applicant should address the Board regarding the subject at that time.

The following people spoke on behalf of the application:

- Ben Cummings, Cummings Architecture, 1 Houston St., Mobile, AL, on behalf of the applicant; and,
- Animal Rescue Foundation Video; and,
- Dawn T. McLaughlin, Animal Rescue Foundation Treasurer, 3401 Windsor Place Ct., Mobile, AL; and
- Michelle Turner, Animal Rescue Foundation President, 3649 Vista Ridge Dr. West, Mobile, AL.; and,
- John Williams, Mobile City Council, 3905 St. Andrews Loop West, Mobile, AL.

They made the following points in favor of the matter:

January 3, 2011

Board of Zoning Adjustment

- A. Noted that they disagreed with Staff's recommendation for denial on the Use Variance request for a B-5 zoning. ARF provided rehabilitation, addressed medical needs, provided micro-chipping for each animal spade or neutered and found a permanent home for the animals.
- B. Noted ARF had developed a plan to eliminate a negative impact on the surrounding properties by making sure that the animals would be housed indoors at night, that they would be supervised when outdoors and that that area would be cleaned regularly and any dog that barked excessively would be returned indoors.
- C. Noted that special conditions existed that resulted in a hardship since the Zoning Ordinance did not have a category that properly fit the services that ARF provided. The hardship was the lack of a proper category in the chart of permitted uses for an animal adoption business. The Staff had incorrectly categorized ARF as an Animal Shelter when ARF was an Animal Rescue and Adoption center. Animal Rescue and Adoption Center was not listed in the chart of permitted uses. Animal Shelter, Boarding Kennels and Veterinary Hospitals were all allowed in an I-1 zone. The property in question was a B-5 zone. I-1 was described as Light Industrial. A B-5 zone was described as a mixture of Commercial and Light Industrial Uses. There was not a great difference between the B-5 zone and the I-1 zone. The Chart of Permitted Uses used many of the items in I-1 that were allowed in a B-5 zone. Veterinary Hospitals and Boarding Kennels were allowed in other B zones such as B-1, B-2, B-3, and B-4, zones that were generally considered more restrictive zones. Due to the similarities of the B-5 and I-1 zones and the fact that the similar uses were allowed in less restrictive zones, the placement of often B-5 zones was not uncharacteristic of the uses allowed in the B-5 zone. The spirit of the ordinance would be observed. The variance would not be contrary to the public interest.
- D. Noted the video presentation that was shown and replaced one of the speakers. This was a promotional and fund-raising video directed to Ellen DeGeneres.
- E. Noted that similar organizations such as Mobile SPCA and Copeland's were both located in B-3's and were allowed outdoor runs. Both facilities had a greater number of outdoor runs than ARF was requesting.
- F. Noted that the City Shelter was located in an R-1 district.
- G. Noted that B-5 zoning required Light Industrial and many of the surrounding businesses had office space fronting Rangeline Rd. with the warehouse space located in the rear of the property. ARF's main building fronting Rangeline Rd., would be strictly used as office space, where the public would be greeted and the majority of the office work would be done. The back building behind the fence would be where the animals were housed.
- H. Noted that while Animal Shelters had to take in pets, conversely ARF was a no-kill rescue group where they were able to choose and thus were not an Animal Shelter.
- I. Noted that ARF was a mixture of all the current categories, B-1, B-2, B-3.

Mr. Metcalfe asked if the organization felt confident in purchasing the property, accomplishing the changes and being able to maintain it.

January 3, 2011

Board of Zoning Adjustment

Miss McLaughlin stated that she knew of money that was coming in that would be more than enough to pay for all that.

Ms. Turner noted that they have many donors and have saved quite a bit of money this year. And therefore, would have no problem in maintaining the facility.

Mr. Williams stated that many businesses had co-existed with Copeland's for over 30 years without any problems. He asked the Board that if they were going to do anything other than approve the variance, that each member take some time to make personal visits to do more research on the subject. As a result of the research, he asked that they hold it over.

Mr. Metcalfe asked how many of the parking spaces were deficient.

Mr. Cummings stated that he had calculated the number of required parking spaces and those 9 spaces would be needed.

Mr. Felts noted that if they were willing to provide the parking spaces then it would negate the need for a Parking Ratio Variance.

Mr. Coleman read a letter from William Eskridge which represented DBF, LLC and DBF2, LLC, property owners on Rangeline Road in Mobile. It stated that the Center would be in direct violation of the B-5 Zoning Classification and the private restrictive covenants on the property. The property owners were also opposed to the Center stating that it was not in keeping with the other businesses located in that area and that it was not appropriate to the surrounding area.

Hearing no opposition or discussion, a motion was made by Mr. Turner, with second by Mr. Metcalfe, to approve the Use, Parking, and Fence Height Variances to allow an animal shelter with outdoor runs, non-designated on-site parking, and a 9'-high chain link fence in a B-5, Office-Distribution District, subject to the following conditions:

- 1) soundproofing of all exterior building walls where animals will be housed;**
- 2) maintain any vegetated areas in their natural state in the rear of the property where they exist;**
- 3) construction of an 8-foot high privacy fence along the side and rear lot perimeters (except within the required front yard setback);**
- 4) removal of all animal wastes from the grounds daily;**
- 5) reduce fence heights for dog runs to 8 feet;**
- 6) provide parking sufficient to comply with the Zoning Ordinance; and,**
- 7) full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

5655

(Case #ZON2010-02895)

Mobile Terrace Christian Center (William T. Partridge, Jr., Agent)

7154 Ninth Street

(North side of Ninth Street, 200'± East of Lincoln Boulevard).

January 3, 2011

Board of Zoning Adjustment

Parking Ratio and Maneuvering, Front and Side Yard Setback, and Site Coverage Variances to allow three on-site parking spaces for a 2,064 square-foot church youth annex with nose-in/back-out maneuvering in the right-of-way, with a 20' front yard setback and 4'-10" side yard setback, and 42% site coverage in an R-1, Single-Family Residential District; the Zoning Ordinance requires seven parking spaces with on-site maneuvering for a church youth annex, a 25' front yard setback and 7'-2" side yard setback, and maximum site coverage of 35% in an R-1, Single-Family Residential District.

The Chair announced the matter, advising it had been recommended for denial and that the applicant should address the Board regarding the subject at that time.

Pastor Jerry Williams, 7210 14th Street, Mobile, AL, spoke on behalf of his organization, and made the following points in favor of approval.

- A. Noted that this was one of the oldest buildings built in Mobile Terrace by some of the seniors who had lived there and that they raised their own money to build it. More recently, this building was dilapidated with drug addicts and prostitutes hanging out in it. We took this bldg and started refurbishing it. My intent was to utilize this building to minister to the children that attend my church.
- B. Pastor Williams noted that the program he has had for the youth lasts for 2 years at which time they graduate and then move on with their life. The program then starts over with a whole new group of children. Since its inception, he has already worked with 4 different groups of children. He wanted to try to enhance what he was doing with them by giving them something that was permanent that they could attach themselves to. The youth that he goes after are the children that nobody wants to be bothered with. He has had some great success with those children and is confident that he is will continue to have success with them.

Mr. Hoffman stated they were showing 3 parking spaces on the site plan, 2 normal spaces and a handicapped accessible space.

Mr. Davis asked how far the church was from the center.

Mr. Hoffman noted that it was less than a block away.

Mr. Metcalfe asked how the children traveled to the building

Pastor Williams stated that they walked there from the neighborhood on foot.

Pastor Williams noted that currently he was the only one that was doing any work with the children. He added that he could park down at the church and walk to the youth center if that would help to meet the required parking spaces.

Mr. Davis noted that this was a much needed area for helping the children. He mentioned that the cooperation that they had from the Head Start Program and ADECA in Montgomery through the Mobile Community Action along with Friendship Baptist Church was a cooperative effort that helped that community with the very situation that Pastor Williams was addressing with the

January 3, 2011

Board of Zoning Adjustment

young people. Mr. Davis asked that if there was any way to accommodate this, he thought it would be good for the community.

Hearing no opposition or discussion, a motion was made by Mr. Davis, with second by Mr. Metcalfe, to approve the Parking Ratio and Maneuvering, Front and Side Yard Setback, and Site Coverage Variances to allow three on-site parking spaces for a 2,064 square-foot church youth annex with nose-in/back-out maneuvering in the right-of-way, with a 20' foot yard setback and 4'-10" side yard setback, and 42% site coverage in an R-1, Single-Family Residential District.

The motion carried unanimously.

#5656/5353

(Case #ZON2010-02898)

Nedra Stimpson

4360 The Cedars

(North side of The Cedars, 370'± East of North McGregor Avenue).

Side Yard and Combined Side Yard Setback Variances to allow the construction of a carport within 5'-5" of a side property line with combined side yards of 9'-6" in an R-1, Single-Family Residential District; the Zoning Ordinance requires an 8' minimum side yard setback with combined side yards of 20' in an R-1, Single-Family Residential District.

The Chair announced the matter, advising it had been recommended for approval, with conditions, and that anyone who wished to speak should address the Board regarding the subject at that time.

Charles Williams, 2551 Macaria Dr., Mobile, AL, spoke on behalf of the applicant and made the following points in favor of approval:

- A. Noted that the house was a small cottage which had no provisions for a carport or parking area.
- B. Noted that the carport was projected to be placed in line with the existing residence. The existing residence was 5 ft. 5 inches off the west property line. The carport would be synchronous with both the boundary of the house and the existing setback and would project forward toward the street. The forward setback, the street setback, as well as the City's setback limits for the frontage of the property.

Mr. Coleman asked if they could show Mr. Williams a copy of Staff's Recommendations.

Mr. Williams stated that the recommendations were acceptable.

Mr. Whistler stated that they needed verification that it did meet that 25 ft setback, front yard setback since it is not shown on the site plan.

Mr. Williams asked if a surveyed stamp was needed on the survey.

Mr. Whistler stated that was correct.

January 3, 2011

Board of Zoning Adjustment

Hearing no opposition or further discussion, a motion was made by Mr. Turner, with second by Mr. Davis, to approve the Side Yard and Combined Side Yard Setback Variances to allow the construction of a carport with 5'-5" of a side property line with combined side yards to 9'-6" in an R-1, Single-Family Residential District, subject to the following conditions:

- 1) the provision of gutters and downspouts on the West side of the carport;**
- 2) submission to the Planning Section prior to construction permitting of a copy of a revised site plan illustrating the front 25' minimum building setback line to verify garage setback compliance; and,**
- 3) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

#5657

(Case #ZON2010-02911)

Mid-Bay Ventures, LLC

Northwest corner of US Highway 90 West and Larue Steiner Road.

Parking Ratio Variance and Administrative Appeal of a Staff Determination to allow 64 parking spaces for a 19,097 square-foot showroom/office building and 15,000 square-foot fenced outdoor display area (34,097 square feet total) in a B-3, Community Business District, and Administrative Appeal of that parking requirement determination by staff; the Zoning Ordinance requires 64 parking spaces for a 19,097 square-foot showroom/office building and staff has determined that a 15,000 square-foot fenced outdoor display area should also be included in the parking calculations requiring a total of 114 parking spaces for the entire 34,097 square feet of combined area in a B-3, Community Business District.

The Chair announced the matter, advising that both the Parking Ratio Variance and the Administrative Appeal had been recommended for denial and that the applicant should address the Board regarding the subject at that time.

The following people spoke on behalf of the application:

- Trey Jinright, Jade Consulting, 208 Marino Rd., Fairhope, AL, spoke on behalf of the applicant; and,
- Ray Hicks, 33210 Augusta Ct., Loxely, AL.

They made the following points in favor of the matter:

- A. Noted that this was a small farmer type of operation, where you would buy fencing supplies, gate, waters, feed and other items of that nature.
- B. Noted that they catered to a more specialized consumer who traveled in larger vehicles when shopping for this specialized use. The parking spaces required at Tractor Supply were considerably larger than what the City had in their zoning requirements. The City required 18 feet deep spaces and our spaces were 20 feet. The drive aisles the City required were 24 feet and our spaces were 28 feet. The parking spaces that the City required were 9 feet and our

January 3, 2011

Board of Zoning Adjustment

spaces were 10 feet. Larger supplies needed larger spaces. The drawing had received DOT conceptual approval.

- C. Noted that Tractor Supply had nearly 1,000 of these stores across the nation.
- D. Stated that 1 space for every 300 square feet of retail center would give us 64 spaces.
- E. Noted that the items normally bought were large items and most of them would have to be accessed with a forklift. Customers were not shopping and looking for things. These people were coming in, pre-paying for the item and then coming back outside to load it on the truck and leave.
- F. Noted they were going to employ about 25-30 people and do about 3 million dollars a year in sales. All those employees would have 401K, Dental, Profit-Sharing. That these were very good retail jobs with an employer that has consistently been ranked among the top retail employers in the nation to work for.
- G. Noted it was more like a commercial, industrial Use. You would have to have a forklift or 4 men to load any of the items onto a trailer. You could not walk from the parking lot into this area and look at the different merchandise that would be out there. The procedure would be as follows: you would go into the store, pay for the item, take the pink slip and meet an employee outside where they would un-lock the gate and then you would pull in with your truck and load it.
- H. Noted that the loading area was locked at all times. The employee would walk outside and unlock the gate to let the customer pull their vehicle around. You cannot enter the loading area from the parking lot without an employee accompanying you out there, unlocking it and directing your vehicle right through the middle of it where they could load it with a forklift. This is a non-covered area. A distinguishing characteristic of Lowe's or Home Depot would be cash registers in the outside area. Tractor Supply company does not have cash registers out there for generating sales.

Mr. Turner asked if instead of a browse garden center where you are pushing a cart around were they indeed describing their store as more of an equipment lay down yard where you drive up with your trailer or truck, load the materials in the back of it and drive away.

Mr. Hicks noted that it was an accurate description.

The Administrative Appeal was confirmed by the Board in favor of the applicant, and, as such, parking does not have to be provided for the outdoor area. The Board's confirmation was with the expressed notation that the Board's decision that parking was not required was limited to areas of product storage/customer pick-up area, and not outdoor retail area.

The variance request was moot due to the Board's decision regarding the Administrative Appeal.

OTHER BUSINESS:

January 3, 2011
Board of Zoning Adjustment

There being no further business, the meeting was adjourned.

APPROVED:

Chairman of the Board

/sg