

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF SEPTEMBER 10, 2012 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

ROLL CALL:

MEMBERS PRESENT

William Guess, Chairman
Vernon Coleman, Vice-Chairman
Adam Metcalfe
Jeremy Milling
Russell Reilly*

*supernumerary member

STAFF PRESENT

Frank Palombo, Planner II
Bert Hoffman, Planner II
Tchernavia Yow, Secretary I

MEMBERS ABSENT

Sanford Davis
J. Tyler Turner*

OTHERS PRESENT

John Lawler, City Attorney
George Davis, City Engineering
Butch Ladner, Traffic Engineering
David Daughenbaugh, Urban Forestry
DC Billy Roach, Fire & Rescue

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

CALL TO ORDER:

Chairman Guess 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. Coleman, to approve the minutes from the following meeting:

- October 23, 2011

The motion carried unanimously.

HOLDOVERS:

#5762

(Case #ZON2012-01527)

The Creel Company

3804 Norwood Lane

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(North side of Norwood Lane, 70'± West of Stimpson Lane [not open] extending to the South side of Isabella Lane [not open] 100'± West of Stimpson Lane [not open])

Surfacing, Tree Planting and Screening Variances to allow a contractor's storage yard in an I-1, Light-Industry District, (rezoning pending) with a partially open vegetative buffer, aggregate parking surface and no tree planting; the Zoning Ordinance requires the storage area to be completely enclosed with an 8' high wall or privacy fence, the equipment parking area to be paved in asphalt, concrete, or an approved alternative paving surface, and full compliance with tree plantings.

The Chair announced the matter, advising the Surface Variance and Screening Variance had been recommended for approval with modification and the Tree Variance request had been recommended for denial. He advised the applicant should address the Board regarding the subject at that time.

Derrick Peterson, Peterson Company, 8081 Oakhill Dr., Semmes, AL, spoke on behalf of the applicant, and made the following points in support of the application:

- Stated he was good with the recommendations, but wanted to discuss some of the conditions.
- He doesn't agree with number two and three of the conditions.
- Used the vicinity map to show that everything that fronts Norwood Ln. are all have heavy uses. He stated that the only vehicles that use the road in question are employees of the businesses on the road. There's no customer or pedestrian traffic. The applicant has an agreement with the owner of the one house that is next to the site to watch over the house while the owner is away.
- Would like to do tennis court screening on the front. Request to do enough to provide for the trees, not the recommended 25 feet. Applicant is fine with providing the trees.
- Applicant is fine with a paved driveway, but has no use for paving on the site. There is no parking on the site.

Mr. Peterson asked the staff if condition number seven would allow the Planning Commission to override the variance.

Mr. Palombo stated that only if the Counsel puts a stipulation on it.

Mr. Metcalfe asked the staff why the Board was hearing this application if there was a zoning and sub application in.

Mr. Palombo stated that the Board makes decisions on the surface, where the Planning Commission does not. This is not regarding use.

Mr. Guess asked how far into the site was the applicant willing to pave.

Mr. Peterson stated that paving to the property line was preferred.

Mr. Davis stated that anything in the right of way would fall under the right of way ordinance, and there is a requirement to pave the drives off the street which has minimum requirement of 24 feet wide for commercial.

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Mr. Peterson stated that they were fine with paving what Engineering requires. 10 feet was dedicated for subdivision, so there will be at least 10 feet plus what is already part of the right of way now.

Mr. Hoffman pointed out that Mr. Peterson was actually addressing condition number one.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present in opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Milling, with second by Mr. Coleman, to deny the Tree Planting Variance request and approve the Surface Variance and Screening Variance request, subject to the following conditions:

- 1) to allow the aggregate surface of the entrance drive on-site, the parking area for standard vehicles, and the associated access and maneuvering area for such;
- 2) revision of the site plan to indicate a compliant 24' wide paved entrance drive within the right-of-way as required by City Engineering;
- 3) the provision of a chain link fence with "tennis court" style screening along Norwood Lane;
- 4) revision of the site plan to locate the entrance gates to a compliant 60' vehicle queuing setback, or the placement of a note on the site plan stating that the gates are to be closed only when the site is not in use and are to remain open during operational hours;
- 5) revision of the site plan to indicate a compliant dumpster, or the placement of a note on the site plan stating that no dumpster will be utilized and trash collection will be via curb-side or private collection service;
- 6) the obtaining of any required after-the-fact permits for development of the site;
- 7) compliance with any conditions of approval of the Rezoning and Subdivision by the Planning Commission; and,
- 8) full compliance with all other municipal codes and ordinances.

The motion carried unanimously.

PUBLIC HEARINGS:

#5776/5038

(Case #ZON2012-02036)

Wrico Signs, Inc.

6353 Cottage Hill Road

(South side of Cottage Hill Road, 350' ± East of Hillcrest Road)

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

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

The following people spoke in favor of the application:

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1. Wade Wright, Wrico Signs, Inc., 3345 Halls Mill Rd, Mobile, AL spoke on his own behalf; and,
2. Chad Maxidon, Cellular Sales, 6353 Cottage Hill Ln, Mobile, AL, spoke on his own behalf.

They made the following points for the matter:

- The existing sign is over the front door and faces Cottage Hill Rd.
- The variance is for over the main entrance.
- The westbound traffic on Cottage Hill has no way of knowing what is in the building. Westbound traffic can only see that the building is black and red. There is no signage until they have already passed the location.
- Customers have come in the store stating that they didn't realize the location was opened because they didn't see the sign until after they had already passed the store.
- The success of the business is directly related to the visibility to the people that drive by the location.

Mr. Coleman asked was the current sign not effective at all.

Mr. Maxidon stated that the sign is effective, but with the additional signage, he feels it would more effective. There is currently no signage over the main entrance of the store.

Mr. Guess asked was there a sign there for Blockbuster before.

Mr. Maxidon stated that there was an extremely small sign there, and they wanted to take advantage of the side facing the highway, with hopes that it would give them maximum visibility. However, the people driving west on Cottage Hill don't see it until they have already passed the location.

Mr. Guess asked was the existing sign in place of the one Blockbuster recently used.

Mr. Maxidon stated that they did not have one there. Blockbuster used an awning on the north side.

Mr. Metcalfe asked has Verizon considered reading the Sign Ordinance before leasing a space because there are frequent request for Sign Variances for Verizon.

Mr. Maxidon stated that he is not Verizon Wireless in no way, shape, or form. His company is Cellular Sales. They are the largest authorized retailer in the country for Verizon, but this is his first time before the board with a variance request.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present in opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Guess, with second by Mr. Metcalfe, to deny the above referenced request.

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The motion carried unanimously.

#5777

(Case #ZON2012-02037)

Wrico Signs, Inc.

5530 Three Notch Road

(Northwest corner of Three Notch Road and U.S. Highway 90 West)

Sign Variance to allow the replacement of a nonconforming freestanding sign with another nonconforming freestanding sign in a B-3, Community Business District; the Zoning Ordinance does not allow a nonconforming sign to be replaced with another nonconforming sign in a B-3, Community Business District.

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

The following people spoke in favor of the application:

1. Wade Wright, Wrico Signs, Inc., 3345 Halls Mill Rd, Mobile, AL spoke on his own behalf; and,
2. Jeff Lagnell, Walgreens Co., 5530 Three Notch Rd., Mobile, AL spoke on his own behalf.

They made the following points for the matter:

- Currently there are 2 signs that are original to the sight; almost 12 years old.
- On the east side of the property the sign is an electronic reader board, and on the Three Notch side of the property the sign is a manual reader board.
- Due to maintenance and repair costs, they both need to be replaced.
- Only asking to replace the signs there. Not asking for anymore square footage.

Mr. Guess asked how tall the signs were.

Mr. Wright replied that they were less than 30 feet high,

Mr. Guess stated that this is a very busy intersection, and he wants to make sure not to cause a problem by approving this application.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present in opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Coleman, to approve the above referenced request subject to the following condition:

- 1) subject to compliance with all other codes and ordinances.**

The motion carried unanimously.

#5778/5585/5558

(Case #ZON2012-02046)

Pat Wright (Wright Transportation)

2333 Dauphin Island Parkway

(East side of Dauphin Island Parkway, 220'± North of Rosedale Road)

Surface, Access, and Shared Access Variances to allow shared access between two building sites by use of a sub-standard accessway with aggregate surfacing in a B-3, Community Business District and R-1, Single-Family Residential District; the Zoning Ordinance requires 24' wide access for two-way traffic and surfaces must be paved with asphalt, concrete, or an approved alternative paving surface with all access on-site in an B-3, Community Business District and R-1, Single-Family Residential District.

The Chair announced the matter, advising it had been recommended for partial approval. He advised the applicant should address the Board regarding the subject at that time.

Jerry Byrd, Byrd Surveying, 2609 Halls Mill Rd., Mobile, AL spoke on behalf of the applicant, and made the following points for the matter:

- The site was approved in December 2009 to operate an office and have some truck parking.
- An aggregate parking lot was approved as well.
- There was no connector driveway shown, and that is what is being requested.
- OK with staff recommendations for 24 feet as the width of the driveway.
- Request that the shared access be approved for aggregate surface also.

Mr. Guess stated that when the aggregate parking area was approved by the Board, he understood that the lower half would not be used. There was a lady from the neighbor here that was assured that the requested use was not a part of the plan.

Mr. Palombo stated that was correct.

Mr. Byrd stated that he understood that if it was your property, it was ok to put aggregate down in your back yard if you chose to. He has since learned that it is ok to put aggregate down, but you can't run trucks on it, which is why he's back.

The applicant stated that the neighbor's concern was Cassie Lane, and they will not be entering or exiting on Cassie Lane.

Mr. Reilly asked would the flow of traffic back and forth on the road.

Mr. Byrd replied it would be approximately one 18 wheeler per hour, about 24 per day.

Mr. Reilly asked would the house stay or was it going to be torn down.

Mr. Byrd stated that he didn't have an answer to that at this point.

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Mr. Davis stated that if the Board approved the variances, Engineering would want updated plans submitted for a land disturbance permit for the road extension.

Mr. Byrd stated that they were holding on that in order to address the variance issues.

Mr. Guess asked was there an apron put in on the Military Rd. access point that had been previously approved.

Mr. Byrd stated that it had not been put in yet, but it was on the site plan that has been reviewed.

Mr. Daughenbaugh stated that frontage trees are required on the border of the site along the developed portion of Cassie Lane and Military Road.

Mr. Byrd stated that it was the neighbor's request to put a fence instead of trees and that's what was agreed to.

Mr. Palombo stated that it was not an either or. The trees were required, but the applicant wanted to provide a buffer fence to protect the site from the R-1 zoned property.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present in opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Coleman, with second by Mr. Russell, to deny the Access Variance, and approve the Shared Access and Surface Variances subject to the following conditions:

- 1) **provision of frontage trees along the developed portions of Cassie Lane and Military Road, to be coordinated with Urban Forestry;**
- 2) **coordination with Traffic Engineering and Engineering regarding their specific development requirements; and,**
- 3) **full compliance with all other municipal codes and ordinances.**

The Access Variance was denied, thus the aggregate surface drive must be a minimum of 24-feet in width.

The motion carried unanimously.

#5779

(Case #ZON2012-02047)

Brooks Towing

3940 Moffett Road

(North side of Moffett Road, 80' ± East of Oaklane Drive)

Surfacing Variance to allow inventory of an automotive towing service on an unpaved surface in a B-3, Community Business District; the Zoning Ordinance requires all inventory for automotive towing services to be paved with either concrete, asphaltic concrete, or asphalt, in an B-3, Community Business District.

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

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Derrick Peterson, Peterson Company, 8081 Oakhill Dr., Semmes, AL, spoke on behalf of the applicant, and made the following points in support of the application:

- The current tenant wants to sell cars on the site.
- Wants to use the rear of the site as storage for his towing company.
- The applicant doesn't do any maintenance to the vehicles. He strictly tows vehicles for the City of Mobile and takes them to his lots.
- Vehicles are there for a week or 2. After which, the owner will come to get it or he takes over ownership and will put it in the front of this lot to sell it.
- The applicant is asking not to pave the rear of the site.
- There will be no customer traffic, it will be used for what the applicant feels is inventory.

Mr. Coleman asked if there were any special requirements for towing companies.

Mr. Palombo stated that there are no special requirements, but you can't store vehicles on an improved surface. It would be environmentally unsafe. It would be a tow yard and most of the vehicles would be inoperable. Dragging a car through grass or gravel would create ruts and possible quagmire. The fact that these sites normally become full blown dismantling sites causes the requirement for the site to have concrete or asphalt to protect the site.

Mr. Peterson stated that the towing operation is very small, and the applicant only tows for the City of Mobile. It is not a wrecking service, and he does no dismantling of vehicles

Mr. Guess asked, at the time, where the applicant was towing the vehicles and what was the surface of the lot.

Mr. Peterson replied that the lot was just in the county on Moffett Road and the current surface was grass as well.

Mr. Palombo pointed out that the current lot was outside the city limits in the county.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present in opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Milling, to deny the above referenced request due to the following reason:

- 1) the applicant did not illustrate to the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards.**

The motion carried unanimously.

#5780
(Case #ZON2012-02048)
A.J. & Elizabeth Dupree
613 Chelsea Drive East

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(West side of Chelsea Drive East, 285' ± North of Chelsea Drive South)

Rear and Side Yard Setback Variances to allow a carport within 6' of the rear property line and 6' of the side property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires an 8' rear yard setback and an 8' side yard setback for structures in an R-1, Single-Family Residential District.

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

The following people spoke in favor of the application:

3. Derrick Peterson, Peterson Company, 8081 Oakhill Dr., Semmes, AL, spoke on behalf of the applicant; and,
4. A. J. Dupree, 613 Chelsea Dr. East, Mobile, AL, spoke on his own behalf.

They made the following points for the matter:

- This is an open carport with no facilities or utilities running to it.
- There is an existing carport in the location that the request is to go in.
- The home addition complies with all the regulations.
- The total development as a whole is under the site coverage.
- Requesting extra footage on the rear to be the same setback as the left.

Mr. Guess asked why the applicant needed the additional footage on the rear since the existing carport is in the same location.

Mr. Peterson stated that the carport is going to be bigger, and instead of moving it forward into the driveway, they would prefer to keep it flushed where the existing one is located. The required encroachment into the required setback would be 2 feet. There were 2 other setback variances that were approved in the same subdivision similar to this.

Mr. Guess asked was there a storage shed on the applicant's property, and if so, how long had it been there.

Mr. Dupree replied that there was a shed, and it had been there about four years.

Mr. Guess asked why the carport couldn't be set forward more so that it would not encroach into the setbacks.

Mr. Dupree stated that if it came forward they would not be allowed the variance for maneuverability to get two cars in.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present in opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Coleman, with second by Mr. Milling, to approve the above referenced request subject to the following conditions:

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- 1) the provision of gutters and downspouts along the side and rear eaves of the carport; and,
- 2) full compliance with all other codes and ordinances.

The motion carried unanimously.

#5781

(Case #ZON2012-02049)

The Broadway Group

901 South Broad Street

(Southeast corner of South Broad Street extending to South Washington Avenue)

Front Yard and Side Yard Setback Variances to allow a dumpster with a 6' high wooden privacy fence enclosure to be located 15' from the front property line and HVAC units within 3.5' of a side property line in a B-3, Community Business District; the Zoning Ordinance requires a 25' front yard setback and a 5' or 0' side yard setback in a B-3, Community Business District.

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

Melanie Lamar, The Broadway Group, 132 Holmes Ave., Huntsville, AL, spoke on behalf of the applicant, and made the following points in support of the application:

- Request that the fence be up to 8 feet, but not to exceed the height of the dumpster.
- Agrees with the other staff recommendations.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present in opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Coleman, with second by Mr. Metcalfe, to approve the above referenced request.

The motion carried unanimously.

#5782

(Case #ZON2012-02050)

Turner Insurance & Bonding

(South side of Professional Parkway, 400'± East of Downtowner Boulevard)

Access Variance to allow a 20' wide entrance drive in a B-1, Buffer Business District; the Zoning Ordinance requires a minimum 24' wide entrance drive in a B-1, Buffer Business District.

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

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Frank Dagley, Frank Dagley & Associates, 717 Executive Park Dr., Mobile, AL, spoke on behalf of the applicant, and made the following points in support of the application:

- Agrees with staff recommendations, but didn't see the driveway radius addressed.
- Requested that a 10 foot radius coming out of the driveway be allowed due to the close proximity to the property line and a utility pole.

Mr. Davis stated that the request was governed by the Right of Way ordinance and would have to be requested in the Right of Way permit.

Mr. Dagley asked if it was denied would they have to come back and get another variance.

Mr. Palombo stated that it's not a zoning issue, so it would not come before the Board.

Mr. Dagley stated that he understands why it wasn't addressed, and is in agreement with staff recommendations.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present in opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Milling, to approve the above referenced request subject to the following conditions:

- 1) **the driveway area along the building be striped and/or signed to indicate no parking in the drive adjacent to the building; and,**
- 2) **signage of the parking spaces in the rear to state parking for employees only.**

The motion carried unanimously.

#5783/4683

(Case #ZON2012-02052)

Victor Sign Company (Justin Thompson, Agent)

3100 Cottage Hill Road

(North side of Cottage Hill Road, 500' West of Bel Air Boulevard)

Sign Variance to amend a previous variance to allow two wall signs for a single tenant and nine freestanding signs at a multi-tenant site in a B-1, Buffer Business District; the Zoning Ordinance allows one wall sign per tenant at a multi-tenant site in a B-1, Buffer Business District .

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

Justin Thompson, Victor Sign Company, 5000 Whitworth Rd., Mobile, AL, spoke on behalf of the applicant, and made the following points in support of the application:

- There is currently a sign on the east face of the building.

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- The building sits angled to Cottage Hill Road, so you can not see the same face of the building traveling both ways.
- The westbound traffic can see the sign that is currently there.
- The variance for the sign on the south wall will allow for the eastbound traffic to see signage.

Mr. Palombo stated that the building does have a hardship, in that it almost acts as a corner lot with the way it is angled. .

Mr. Coleman asked was the request in compliance with the ordinance as far as size is concerned.

Mr. Palombo stated that the requested variance was only for the number of signs; the size of the sign was fine.

Mr. Daughenbaugh asked if there was existing green space at the site along the frontage road.

Mr. Dagley stated that there was some grass.

Mr. Daughenbaugh asked if it would be possible to plant some frontage trees to be coordinated with Urban Forestry. According to the aerial photo, there is possibly three locations to plant trees.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present in opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Coleman, with second by Mr. Riley, to approve the above referenced request subject to the following conditions:

- 1) **provision of frontage trees, to be coordinated with Urban Forestry; and,**
- 2) **full compliance with all other codes and ordinances.**

The motion carried unanimously.

#5784

(Case #ZON2012-02068)

Walter Hollinger, Sr.

2000 Barretts Lane

(Northwest corner of Barretts Lane and Donald Street)

Use, Front Yard Setback, Side Street Side Yard Setback, Rear Yard Setback, Site Coverage, Tree Planting, Landscaping, Residential Buffer, Parking, and Maneuvering Variances to allow a convenience store with a 23.2' front yard setback, 3' side street side yard setback on a 37' wide lot, 5' rear yard setback, 50.6% site coverage, no tree plantings, reduced landscaped area, no residential buffer, no parking, and reduced maneuvering area in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of a B-2, Neighborhood Business District for a convenience store, a 25' front yard setback, 7' side street side yard setback on a 37' wide lot, 8' rear yard setback, 35% maximum site coverage, full compliance with tree and landscaping ordinances, provision of a 10'

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residential buffer with either a 6' high privacy fence or 10' wide screen planting strip, all required parking to be provided on site, and adequate maneuvering area for parking areas.

The Chair announced the matter, advising it had been recommended for partial approval. He advised the applicant should address the Board regarding the subject at that time.

The following people spoke in favor of the application:

1. Walter Hollinger, Sr., 2000 Barretts Ln., Mobile, AL spoke on his own behalf; and,
2. Preston Hollings, Barretts Ln., Mobile, AL spoke on his own behalf.
3. Terry Bacguer, 128 Ash Ave., Prichard, AL spoke on his own behalf.

They made the following points for the matter:

- Applicant agrees with all staff recommendations
- This business will be accommodating. Will employ some of the immediate neighborhood residents and sponsor several athletic programs for the public park in the vicinity.
- Will offer the opportunity for the elderly and young children in the neighborhood, to have a store in walking distance.
- Mr. Stallworth has property in the community, but no one has lived on the property in over 12 years.
- Does not feel that this store will be detrimental to the community at all.

Mr. Guess went over the staff recommendations, to confirm that the applicant was in agreement with both the recommendations for approval and what was recommended for denial.

Mr. Hollinger stated that he understood, and agreed with all recommendations by the staff.

Robert Stallworth, 2002 Barretts Ln., Mobile, AL, spoke on his own behalf, and made the following points in opposition of the application:

- Neighbors that he's spoken with have stated that they don't want the store opened due to the possibility of drug activities.

Mr. Guess asked where he lived in relation to the site.

Mr. Stallworth stated that his property was the vacant lot next to the store.

Mr. Guess asked was there a residence that was occupied there.

Mr. Stallworth stated that he planned to rebuild there.

Mr. Guess asked what the applicant's expected hours of operation would be.

Mr. Hollinger replied that the planned hours of operation was from 7AM to 10PM.

Mr. Guess asked where the applicant planned to have the dumpster.

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Mr. Hollinger replied that he understands that there is a portion of the site that will have to be fenced off. The dumpster would be located on the side closest to the street.

Mr. Guess commented that in the past there has been concern for the noise from the dumpster in a residential area.

Mr. Hoffman stated that it was noted in the staff report, that it doesn't appear to be enough room on the property to put a dumpster on site unless it is in required setbacks. They may have to use the roll out containers similar to residential, but provided commercially.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were any more present in opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Coleman, with second by Mr. Metcalfe, to approve the following request subject to the following conditions:

- 1) **USE: Approval, to allow a convenience store in an R-1 district.**
Approval Condition: Compliance with all applicable building, plumbing, mechanical, electrical and fire codes for the proposed commercial use, and limited to using private roll-out waste containers.
- 2) **FRONT YARD SETBACK: Approval, to allow a 23.2' front yard setback.**
- 3) **SIDE STREET SIDE YARD SETBACK: Approval, to allow a 3' side street side yard setback on a 37' wide lot.**
- 4) **REAR YARD SETBACK: Approval, to allow a 5' rear yard setback.**
- 5) **SITE COVERAGE: Approval, to allow a 50.6% site coverage.**
- 6) **LANDSCAPING: Approval, to allow reduced landscaped area.**
Approval Condition: Provide a revised site plan listing the total landscape area provided (not to be less than 444 square feet), and the amount of frontage landscape area to be provided.
- 7) **MANEUVERING: Approval, to allow reduced maneuvering area.**

And to deny the following request, with conditions for compliance:

- 1) **TREE PLANTING: Denial, to allow no tree plantings.**
Compliance Condition: provide three (3) understory trees, with the location and species to be approved by Planning.
- 2) **RESIDENTIAL BUFFER: Denial, to allow no residential buffer.**
Compliance Condition: provide a 6-foot high wooden privacy fence along the property line where the site abuts residentially-zoned property, with the fence to end in line with the building edge along the adjacent street frontages.

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3) **PARKING:** Denial, to allow no parking.

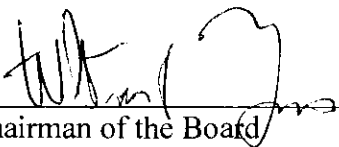
Compliance Condition: provide one (1) compliant parking space, to comply if necessary with the requirements of the 2009 International Building Code and/or the Americans with Disabilities Act.

The motion carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned at 3:18 PM.

APPROVED:



Chairman of the Board

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