

Zoning Board of Adjustment

MINUTES OF THE ZONING BOARD OF ADJUSTMENT

August 19, 2020

MEMBERS PRESENT: Chairperson White, Vice Chairperson Del Gallo

MEMBERS VIRTUAL: Board Member Lonergan, Board Member Sebold, Board Member Stepherson, Board Member Taylor

MEMBERS ABSENT: Board Member Shelley, Board Member Wiggins, Board Member Williams

STAFF PRESENT: Senior Planner Statler, Planning Technician Hargett, Assistant City Attorney Lindsay (virtual), Historic Preservation Planner Harding, Assistant City Clerk Tice, Network Engineer Johnston, Digital Media Coordinator Rose

OTHERS PRESENT: George Williams (virtual), Steve Jernigan (virtual)

1) CALL TO ORDER/QUORUM PRESENT

The Zoning Board of Adjustment (ZBA) was called to order at 3:00 p.m. by Chairperson White with a quorum present. Chairperson White, Board Members Lonergan and Taylor were then sworn in by the Clerk's Office for their reappointments. Chairperson White then read the ZBA rules and instructions and explained the procedures of the virtual Board meeting.

2) APPROVAL OF MINUTES July 15, 2020

The ZBA July 15, 2020 minutes were unanimously approved by the Board.

3) ZBA 2020-004

5109 Bayou Blvd

C-1

George Williams, Goodwyn Mills Cawood, is requesting a Variance to reduce the required landscape area from 25% to 17.9% to accommodate the construction of a hotel. The existing use of the site is a retail facility with 0.0% greenspace/landscaping. The City requires sites which are being completely redeveloped to come into compliance with all of the applicable regulations, including landscaping.

Mr. Williams presented to the Board and referenced Section 12-6-3 (A) which indicates C-1 Zoning requires 25% landscape and noted C-2 Zoning also requires

25% landscape; he pointed out other properties in this area are zoned C-1 and C-2. This request was to grant a variance allowing the project to proceed with a landscape percentage of 17.9% in lieu of the required 25%. He explained this building was constructed in 1971, with a retaining wall of 6' to 12' in height along the south and west boundaries. He presented the location of the hotel which was moved forward to accommodate emergency vehicles. He explained they would maintain the rear property stormwater area which would be included in the total landscape area. He pointed out this property was unique in that it sits on an elevated plateau adjoining commercial developments. On grade access is available only on the north side abutting Bayou Boulevard. The east side borders a slopping grade to the rear of the Pottery/Publix Shopping Center. The south and west sides are the 6' and 12' retaining walls adjoining the Cinema/Starbucks development. He explained the emergency vehicles cannot access the property because of the retaining walls. He pointed to similar properties in this area with 10% landscape (Chili's) and 16% landscape (BJs Restaurant) which were below the standard set by the LDC. He advised their development with approximately 18% of the site landscaped would be an enhancement and not a detriment. The existing property is a 60,000 sq. ft. single-story building and associated parking which covers the entire parcel with impervious surface; there is currently zero landscaping on the site. Their development would create 18,643 sq. ft. of landscaped and irrigated area which would be maintained to create a visually appealing improvement to the existing harsh streetscape. The 12' – 15' wide strip of land at the upper level plateau at the rear of the building will be landscaped and maintained, but that 2,400 sq. ft. was not permitted in their calculations. They were also not permitted to include the 1,960 sq. ft. of landscaping along the Bayou Boulevard property frontage. He emphasized this property must be financially feasible in order to be developed. The result of their analysis was a 153 room key count in a four-story building. They agreed to reduce the parking count from 153 to 142, which resulted in 1,782 sq. ft. of additional landscaped area. The owner was continuing discussions with the City to achieve an Administrative Variance for the parking reduction when the construction site drawings were submitted.

Chairperson White asked if they incorporated the south property owned by the Cinema and the right-of-way on the north side of the property, would they meet the 25%, and Mr. Williams advised it would only total 24%.

Board Member Del Gallo made a motion to approve noting the complete presentation which would exceed the landscaping by anyone else in that Bayou area; the motion was seconded by Board Member Lonergan who noted they were going from 0% landscaping to more than any of the other properties mentioned; they had thoroughly explained the unique situation, and this would be an improvement to this location. The motion then carried unanimously.

4) ZBA 2020-005

1000 E. Jackson Street

R-1AA

Steve Jernigan is requesting multiple variances to accommodate the construction of a detached garage. The applicant is seeking to reduce the required secondary frontage yard from 15.0 feet to 0.0 feet and to increase the maximum rear yard coverage from 25% to 38.8%. The applicant is proposing to construct a detached garage to align with the existing residence on the west side of the property. The applicant desires to preserve a large tree as opposed to shifting the building to the south into the buildable area.

Mr. Jernigan presented to the Board and stated this was a unique residence,

formerly a corner store, converted to a two-bedroom home; the property is only 30' wide and 132' deep, with an exceptionally large right-of-way area. He pointed out the exceptionally large oak trees on the property, one in the right-of-way and another in the rear yard. They were asking to increase the rear yard coverage to 38.8%, since it was an unusual lot because of its width. Having the garage in line with the house would make it more consistent with the architecture of the home and the structures in East Hill and would not negatively affect other property owners. Chairperson White suggested treating the requests separately. Mr. Jernigan clarified the location of the garage would be 12' off the back property line and 0' off the side setback.

Board Member Sebold made a motion to approve the 15' side yard setback reduction to a 0' setback, seconded by Board Member Del Gallo. Board Member Del Gallo indicated this was peculiar because of the lot situation, and the garage size was probably a minimum for a two-car garage. The motion then carried unanimously.

Mr. Jernigan explained the garage was 20' x 20' and each garage door was 8' wide. **Board Member Del Gallo made a motion to approve the increase of the maximum rear yard coverage from 25% to 38.8%, seconded by Board Member Stepherson. Board Member Del Gallo stated a 20' x 20' garage was a small garage for two vehicles and a minimum request; Board Member Stepherson agreed. Chairperson White indicated this would be a great improvement. The motion then carried unanimously.**

DISCUSSION – None

ADJOURNMENT -

There being no further business, the meeting adjourned at 3:50 p.m.

Respectfully Submitted,

Senior Planner Statler
Secretary to the Board