

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF APRIL 4, 2011 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

Reid Cummings, Chairman
William Guess
Vernon Coleman
Sanford Davis
Adam Metcalfe
Russell Reilly*
*supernumerary member

MEMBERS ABSENT

J. Tyler Turner*

STAFF PRESENT

Frank Palombo, Planner II
Caldwell Whistler, Planner I
Marie Cross, Planner I
Sondi Galanti, Secretary I

OTHERS PRESENT

John Lawler, City Attorney
Butch Ladner, Traffic Engineering
Gerard McCants, Urban Forestry
Captain Billy Roach, Fire Department

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

CALL TO ORDER:

Chairman Cummings 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. Cummings, with second by Mr. Guess to approve the minutes from the following meeting:

- September 2010 & October 2010

The motion carried unanimously.

HOLDOVERS:

#5531/5662

(Case #ZON2011-00311)

Napoleon McCovery

208 North Lafayette Street

(Southeast corner of North Lafayette Street and St. Stephens Road).

Use, Off-Site Parking, Buffer Fencing, and Buffer Fence Height Variances to allow a 363 square feet addition and parking in an R-1, Single-Family Residential District, and off-site

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parking in a B-2, Neighborhood Business District, no buffer fencing facing across-street residential zoning, and to allow 4' high and 5' high buffer fence heights; the Zoning Ordinance does not allow parking in an R-1, Single-Family Residential District, requires all parking to be on-site in a B-2, Neighborhood Business District, requires a 3' high privacy fence along a parking lot street frontage facing across-street residential use, and requires a buffer fence to be 6' high along adjacent residentially used properties.

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.

Doug Anderson, Burr and Foreman, 11 N. Water St., Mobile, AL, spoke on behalf of the application, Napoleon McCovery and made the following points in favor of the matter:

- A. Stated that Napoleon McCovery was the owner and operator of the property which was on the corner of North Lafayette Street and St. Stephens Road. There had been a nightclub or a club in existence at that site since the 1960's. His client bought the site in 2007 and in 2009 received variances for a Use, Off-Site Parking and a Buffer Fence Variance.
- B. Noted that they were simply asking to the right to build an expansion onto the building for a 10 x 36 foot addition on the south side. This would go into the parking lot for additional dance floor space. It would simply be to widen the dance floor that was currently in existence.
- C. Noted that there was landscaping that they would be required to do. The Club had it paved, landscaped and fenced. The parking lot on the south was where the 360 square foot addition would be added onto. The wall would come out 10 feet x 36 feet. It was paved and had parking curbs. The new wooden privacy fence was in the back.
- D. Stated that the Club was open Thursday – Sunday from 3pm-1:30am approximately. On Friday and Saturday nights, Mr. McCovery had 2 City of Mobile Policeman plus 3 security guards. They worked inside and outside to make sure that the guests did not go outside and disturb the neighbors or were parking irregularly. There was sufficient parking. After the expansion, they would be required to have 36 parking spaces and they would be in compliance with the 41 spaces that were on the new site plan.
- E. Noted the addition would have no negative impact on the neighbors and that no additional parking would be needed.
- F. Stated that a petition signed by patrons was read as the following: “We the undersigned are patrons of Club Elegance and have been existence since 1960. (Club Elegance had come into existence more recently but there had been a club on the site since 1960). Have changed hands many times but none have made a difference in the appearance of the club than this new owner. We are in favor of the zoning and we appreciate a club owner who cares about his surroundings and the welfare of his patrons”.
- G. Noted that another letter in favor of the application was from Councilman Burrell. Although the business was not in his district, Councilman Burrell knew of the site and was in favor of the business expanding.
- H. Noted that a 3rd letter was from a Mr. Chambers who lived right across the street from the property. He said he was in favor of the expansion and that he had never had any problems with the club.

The following people spoke in opposition of the application:

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- Stephanie Jackson, 204 N. Lafayette St., Mobile, AL; and,
- Sister Elizabeth Cannon, 172 N. Lafayette St., Mobile, AL; and,
- Bernice Jones, 1416 Center St., Mobile, AL; and,
- Virginia McClinton, 108 Charles St., Mobile, AL.

They made the following points in opposition to the matter:

- A. Noted she lived in a house which was directly next door to the club. Her parents bought their house in 1968 as court records indicated. Her mother died in 1995 and she inherited the property.
- B. Stated that the club was a nuisance in the residential neighborhood. The club was open every night, EVERY night. She had lived in that house and knew that it did not close at 1PM but rather at 2:45AM or 3AM.
- C. Stated that the buffers were erected in August 2009 and had been in constant disrepair. The wooden panels from the privacy fence were also missing. This not only allowed viewing into her backyard but also allowed someone to be able to pass from the clubs property to her property. She also had a chain link fence but that was destroyed a couple of years ago by the club's tree falling on it.
- D. Noted that although patrons were in favor of the expansion they were not property owners and did not live there.
- E. Stated that she had lived there for 34 years. Urban renewal was used on the block they now exist on. There were 5 brick homes built and sold to try to renew this residential area. This existing business was very problematic for the neighborhood. Aside from all the noise and talking that can be heard both inside and outside of her house, it was hard to find parking. The more expansion that was allowed, the more the problem would grow. So she urged that you consider this as a real problem for the residents there.
- F. Noted that Lafayette Street was the cross vein for all of the paramedic & fire trucks because of the location of the Fire Station down on the end of the road. And the congestion there in that area on the weekends was really not very safe.
- G. Noted that the fact that they had staff for security indicated that they expected a large crowd that needed to be controlled.
- H. Stated that she had to put caution tape up to stop club patrons from driving over her front yard, trampling flowers and putting holes in the grass. The expansion of the club would bring in more people.
- I. Stated that her Mother had lived there since 1953. She asked her daughter to come and say that she was still in support of the petition. She did not want to see any more expansion of that business saying it should be contained so that there was no more damage to homeowners' private properties.

- Isaac White, 215 N. Lafayette St., Mobile, AL, made the following points:

- A. Stated that he was in business for 67 years on Dr. Martin Luther King Avenue. He had had problems with the club ever since it opened. The parking lot for the club was right next to his house at 215 N. Lafayette St. He had tried to get along with the noise from the club. His wife was sickly and all through the night they could hear car doors slamming making it very hard for them to get some rest.
- B. Noted that the entrance to his house faced Lafayette St. They cannot enter into the Lafayette Street driveway so they had been entering from St. Stephens Road.

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When it came to the point that they were going to put a fence up there, it made it different because that was the entrance going into the house. But with the fence up there, he was afraid to go up there because you cannot see and he hoped that you would reconsider the entrance part.

After which it was decided that those points had no bearing on the application.

Doug Anderson made the following points in favor of the application:

- A. Stated that Ms. Jackson had owned her house for many years. Also noted, that 9 months after Mr. McCovery had purchased and opened it as an existing nightclub, Ms. Jackson move into her house. Therefore, she was aware of the situation when she moved there.
- B. Noted that since Ms. Jackson had moved into her house, Mr. McCovery had gotten variances to improve the site. He not only paved the parking area, but had put up privacy fences and did the landscaping.
- C. Noted that up until a month ago, the club was open every night. Currently the club was only open Thursday-Sunday.
- D. Noted that the buffer fence was less than 2 years old. And in observing it that morning, Mr. Anderson had seen no holes in the fence. In fact, the fence looked within months of being constructed and was in very good shape. The landscaping was unbelievable. Mr. McCovery had kept it very clean.
- E. Noted that both the club and the parking lot across the street were zoned B-2. That the current amount of 41 parking spaces on the property would still be in compliance for the 38 spaces required.

Carlos Nunes, Security, Club Elegance, 208 North Lafayette Street, Mobile, AL, made the following points in favor of the application:

- A. Stated that it had been his job to see that the patrons were not too noisy and had parked their cars where they were supposed to. He felt that the noise and parking situations were under control.

Mr. Metcalfe asked Ms. Jackson if she had addressed her issues in person to Mr. McCovery.

Ms. Jackson stated that she had attempted in May of 2008 to speak on the telephone with Mr. McCovery. When she tried to speak to him, he hung the phone up on her. She also noted that outside of that situation she had existed peaceably with her neighbors.

Mr. Metcalfe stated that no matter what the outcome of the variance would be, that both Ms. Jackson's house and the club were still going to be in close proximity. He suggested that she try to open some dialogue with Mr. McCovery and encouraged him to do the same thing.

Mr. Cummings noted that Byrd Surveying had compiled several letters in addition to the 25 signatures on the petition in favor of the expansion. And they were different than the 39 other letters they had, many with people with North Lafayette and Center St. addresses on them.

Mr. Cummings asked Ms. Jackson if she knew a gentleman named Stan Chambers.

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Ms. Jackson noted that he had signed her original petition to be against the expansion and admitted that it would appear that he had signed the petition in favor of it as well.

Mr. Cummings noted that Mr. Chambers lived at 1405 St. Stephens Rd. He read from his letter, "I'm Stan Chambers, I live next door. I have no problem".

Ms. Jackson stated that he lived behind the club in his mother's home but that she did not know him personally. She noted that his mother had signed the original petition in opposition and that she was the one who owned the property.

Mr. Davis stated that the neighbors had been consistent in saying that the club was a problem and that the expansion of it would become more problematic. They had registered their opposition when the original request was made of the Board and again in the last meeting. He stated he was very concerned that a degree of harmony could not exist between the neighbors who lived there and the owner of the property.

Mr. Davis made a motion to deny the variance.

Mr. Guess made a Second.

Mr. Coleman voted to approve the variance.

Mr. Cummings stated that no more voting was needed since there were two no votes and it took four votes to approve. Lacking 4 votes in favor, the motion failed to pass.

Hearing no opposition or further discussion, a motion was made by Mr. Davis, with second by Mr. Guess, to deny the **Use, Off-Site Parking, Buffer Fencing, and Buffer Fence Height Variances to allow a 363 square feet addition and parking in an R-1, Single-Family Residential District, and off-site parking in a B-2, Neighborhood Business District, no buffer fencing facing across-street residential zoning, and to allow 4' high and 5' high buffer fence heights.**

PUBLIC HEARINGS:

#5667

(Case #ZON2011-00456)

Renania Gipson

6795 & 6885 Simpson Road

(Northern terminus of Simpson Road [private street]).

Use, Parking, Surfacing, Maneuvering, Tree Planting, Landscaping, and Buffer Variances to allow the addition of a third mobile home to an existing non-conforming mobile home park with aggregate surfacing, no defined parking or accessways, no landscaping areas, and no buffers in an R-1, Single-Family Residential District; the Zoning Ordinance requires 1.5 designated parking spaces per dwelling unit, designated accessways of sufficient width, parking and accessways surfaced with concrete or asphalt, a buffer between commercial and residential properties, and a minimum of R-3, Multiple-Family Residential District zoning with Planning Approval for a mobile home park.

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

Heldover to the May meeting to allow the applicant to appear and present the case.

#5668

(Case #ZON2011-00457)

David L. Pitts

4512 Higgins Road

(North side of Higgins Road, 215'± West of Shipyard Road).

Use, Surfacing, and Multiple Buildings Variances to allow 20-unit mobile home park with a 2-unit apartment building (total of 22 dwelling units) with accessways and parking surfaced with aggregate materials, and multiple buildings on a building site in an R-1, Single-Family Residential District; the Zoning Ordinance requires accessways and parking to be surfaced with concrete or asphalt, for there to be only one building to a building site, and a minimum of R-3, Multiple-Family Residential District zoning with Planning Approval for a mobile home park.

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.

David and Heather Pitts, 8305 Twin Lakes Drive, Mobile, AL, spoke on behalf of the application, David L. Pitts and made the following points in favor of the matter:

- A. Stated that her husband's mother owned the property and when she passed away they had inherited the property. The mobile home park was grandfathered in under an R-1. The trailers were from the early 1960's and were not maintained and in their opinion unlivable. They wanted to clean it up and replace the old dilapidated trailers. The tenants would maintain the trailers that they pulled in themselves. The Pitts would be just renting a strip of land.
- B. Noted that there were currently 20 units and there would not be any additional units.
- C. Noted that they requested gravel parking, driveways and wooden walkways rather than concrete.
- D. Noted that the two building apartments were currently unoccupied but that eventually they were to be rented out as well. Each had a 1 bedroom apartment on each floor.
- E. Noted that the trees along the front were existing.
- F. Noted that there would also be a playground.

Mr. Metcalfe asked if the zoning variance would be site plan specific.

Mr. Palombo replied that yes it would be site plan specific thus any new owner would have to ask for a variance and that the neighbors would have a say as to what type of business would be able to go there.

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Captain Roach stated that gravel was not approved through the International Fire Code. The Fire Code that they had adopted just a few months ago specifically said you had to have asphalt or concrete.

Mr. Cummings asked how much a Fire Truck weighed.

Capitan Roach replied that it was about 30 tons.

Mrs. Pitts stated they would pave with asphalt if needed.

Mr. Cummings noted that there were no turnarounds for the fire trucks and that without those, it would make it impossible for a fire truck in get in and out of the lane. He suggested that the application be held over for a month so that the engineer could be made aware that there were some concern for Fire Safety issues with regard to the turnaround

Hearing no opposition or further discussion, a motion was made by Mr. Cummings, with second by Mr. Guess, to Holdover the **Use, Surfacing, and Multiple Buildings Variances to allow 20-unit mobile home park with a 2-unit apartment building (total of 22 dwelling units) with accessways and parking surfaced with aggregate materials, and multiple buildings on a building site in an R-1, Single-Family Residential District.**

Heldover to the May meeting to allow the applicant to submit a revised site plan.

#5669

(Case #ZON2011-00661)

Mercy Medical

2900 Springhill Avenue & 262 Union Avenue

(North side of Springhill Avenue, 159'± East of Union Avenue, extending North to Frederick Street; and the East side of Union Avenue, 53'± South of Frederick Street).

Off-Site Parking Variance to allow 32 off-site parking spaces for a medical office building in a B-3, Community Business District; the Zoning Ordinance requires all parking to be on the building site in a B-3, Community Business District.

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

Katie Parker, Hatch, Mott, McDonald, 1110 Montlimar Dr., Mobile, AL, spoke on behalf of the application, Mercy Medical and made the following points in favor of the matter:

- A. Stated that it was a retirement daycare and that the usage of the parking at the facility would be primarily by those who ran the facility, the food and medical staff. The users of the facility were going to be brought in by bus. The parking spaces were probably never going to be filled other than by staff.
- B. Noted that the renovations to the building were going to require 64 parking spaces in total. There were 32 front loaded parking spaces available in the building. They asked for an Off-Site Parking Variance for a lot directly adjacent to that, which would accommodate the additional 32.

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- C. Noted that it was an existing warehouse building that was to be demolished and revised to a parking lot.
- D. Stated that the 8 ½ foot spaces were designated staff parking only and would be gated. The 9 foot spaces were for other parking.
- E. Noted that they had long term leases with the sole owner for both properties and the intent was for them to eventually own them.

Mr. Kelly Franklin, 308 Union Ave., Mobile, AL, asked if the parking would affect the surrounding community on Union Avenue where his mother's house was located.

Mr. Cummings replied that the parking would be on sites that were either existing or would take the place after a building was demolished. Parking would not affect the street traffic.

Mr. Palombo stated that some revisions were required. He asked that the applicant revise the plan from 8 ½ to 9 feet. Noted that if the required total of 64 parking spaces could not be provided after parking space revisions then a Parking Ratio Variance would be required. Noted that the revision also needed to indicate the number of trees and the species on that site.

Mr. Cummings made a motion to approve this subject to a site plan to be submitted to staff that included all 3 revisions as listed in staff recommendations.

Mr. Metcalfe made a Second.

Mr. Palombo asked if the motion could be amended to exclude 9 feet minimum width to 8 ½.

Hearing no opposition or further discussion, a motion was made by Mr. Cummings, with second by Mr. Metcalfe, to approve the **Off-Site Parking Variance to allow 32 off-site parking spaces for a medical office building in a B-3, Community Business District, with the following condition(S):**

- 1) **revision of the site plan so that all parking spaces, other than the employee spaces, are a minimum 9' width;**
- 2) **submission of a Parking Ratio Variance if the required total of 64 parking spaces cannot be provided after parking space revisions;**
- 3) **revision of the site plan to indicate the required number of overstory perimeter trees and identification of all proposed tree species on the off-site parking**

The motion carried unanimously.

#5670

(Case #ZON2011-00664)

Mr. Rooter Plumbing

2409 Wolf Ridge Road

(Southwest corner of Wolf Ridge Road and Feed Mill Road [private street]).

Use, Setback, Parking, Maneuvering, Access, Surfacing, Buffer, Fence Height, and Multiple Buildings Variances to allow a Plumbing Contractor with multiple buildings on a single building site without Planned Unit Development approval, a building within 20 feet

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of the front property line, substandard accessways and maneuvering area, no designated parking, dirt and aggregate surfacing, no appropriate buffers, and a 6-foot high privacy fence within the front building setback in an R-1, Single-Family Residential District; the Zoning Ordinance requires all buildings to be set back at least 25 feet from the front property line, only one building on a single building site unless approval of a Planned Unit Development has been obtained, all two-way accessways and maneuvering areas to be at least 24 feet in width, 8 parking spaces for 2,250 square feet of office/work space, all accessways, maneuvering area, and parking to be paved with concrete or asphalt, appropriate buffers between commercial and residential properties, for privacy fences to be no higher than 3 feet within the front yard setback, a minimum of a B-3, Community Business District zoning.

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.

Don Williams, 6300 Piccadilly Square, Mobile, AL, spoke on behalf of the application, Mr. Rooter Plumbing and made the following points in favor of the matter:

- A. Noted that Mr. Rooter moved onto this property 2 years ago, had expanded beyond the home occupation use and was running a full commercial business there.
- B. Noted that there was residential, commercial, and heavy industrial uses in the neighborhood. He then gave some examples such as a transmission shop, a Feed Mill, storage yards for cellular towers and family homes as to the other uses in the area. Mr. Rooter was working out of his residential house.
- C. Noted they wanted the Use to remain as it was. They felt they could provide some stability to the neighborhood. They felt that they fit in with the neighborhood. They wanted to buffer and create a residential type of a driveway in the front for two parking spaces as well as provide handicapped accessibility. They also wanted to move all of the operations as such over to Feed Mill Road which was a private road.
- D. Stated that they felt they could safely run the business and not have a detrimental impact on the rest of the neighborhood. All of the business was quiet. None of the plumbing operates there. The trucks come in and then the trucks go out. They felt that they could look residential on the outside but continue to operate commercially from the heart of the property.

Mr. Cummings asked if the issue of setback was complied with the required boundaries.

Mr. Williams replied he believed that the storage trailer was close to Wolf Ridge Road.

Mr. Cummings noted that the Parking had a 10 foot wide asphalt drive and then 24 feet on Feed Mill.

Mr. Williams replied that they would asphalt the required spaces and maneuverability.

Mr. Cummings asked Mr. Palombo what were his comments on the multiple buildings on the site.

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Mr. Palombo stated that perhaps they should hold the application over in order to get a site plan illustrating what it was going to look like.

Mr. Cummings concurred.

Mr. Williams agreed to do a holdover.

Mr. Cummings again stated that a site plan for the record was something the Board ought to look at.

Mr. Palombo stated that Staff would like to look at a site plan too.

After hearing the discussion, a motion was made by Mr. Cummings to Holdover the matter.

Hearing no opposition or further discussion, a motion was made by Mr. Cummings, with second by Mr. Davis, to Holdover the **Use, Setback, Parking, Maneuvering, Access, Surfacing, Buffer, Fence Height, and Multiple Buildings Variances to allow a Plumbing Contractor with multiple buildings on a single building site without Planned Unit Development approval, a building within 20 feet of the front property line, substandard accessways and maneuvering area, no designated parking, dirt and aggregate surfacing, no appropriate buffers, and a 6-foot high privacy fence within the front building setback in an R-1, Single-Family Residential District.**

Heldover to the May meeting to allow the applicant to submit a revised site plan.

The motion carried unanimously.

#0099/5671

(Case #ZON2011-00665)

First Church of Our Lord Jesus Christ

1801 Government Street

(Southwest corner of Government Street and Houston Street; and the East side of Houston Street 215'± South of Government Street).

Setback, Parking Ratio, Off-Site Parking, Tree Planting, and Buffer Variances to allow an addition to an existing church building within 16 feet of a side street side yard, 23 parking spaces located off-site, no tree plantings, and no appropriate buffers in a B-1, Buffer Business District; the Zoning Ordinance requires a minimum setback of 20 feet for a side street side yard, 60 parking spaces for a 240-seat church sanctuary, for all parking to be located on the building site, tree plantings, and an appropriate buffer between commercial and residential properties in a B-1, Buffer Business District.

The Chair announced the matter, advising that the Side Yard Setback, Parking Ratio, and Off-Site Parking Variances be recommended for approval and that the Tree Planting and Buffer variances were recommended for denial. The Chair asked that the applicant should address the Board regarding the subject at that time.

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Frank Dagley, 717 Executive Park Dr., Mobile, AL, spoke on behalf of the application, First Church of Our Lord Jesus Christ and made the following points in favor of the matter:

- A. Noted that the church was located on the corner of Government and Houston. They had asked for a Parking Ratio, Off-Street Parking and a Setback Variance. They were going to the Planning Commission to ask for a Subdivision and were also asking for a Building Permit. The staff had asked us to include Tree Planting, Buffer Variance and closing a curb cut on Government Street on this variance. While these items could certainly be addressed by the Planning Commission, he did not think that it was time to put these restrictions on it such as the driveway to Government Street.
- B. Stated that they wanted to improve the existing parking lot that was currently used across the street behind The Pillars restaurant and have it hold 23 parking spaces. They did not want the crosswalk and the closing of the curb cut on Government Street to go onto this approval. They felt that those were things that could be addressed when they went before the Planning Commission for the Subdivision and the Building Permit.
- C. Noted that they wanted to add a smaller addition to the church that had been in prior existence. The items they were asking for already existed. They already had a setback issue from Houston Street about 16 feet from the street. They had already received a variance as far as a setback from the south property line. The off-site street parking already existed. That's the parking lot they had used. With respect to the crosswalk, the curb cut and the tree planting they should not be addressed at this Board, they should be addressed at the Planning Commission when they put in for a Subdivision and for a Planning Permit.

Mr. Cummings asked if that church had been there long before the adoption of the ordinance. He also wondered if that was indeed the case, did they need the variance for the continuation of the setbacks that they expanded at the back of the building.

Mr. Palombo responded that it was correct.

Mr. Dagley stated that the addition would be in line with the existing encroachment to Houston Street.

Mr. Cummings asked if they could just deal with the Off-Site and expansion of the Use and the Setbacks.

Mr. Palombo replied the Setback.

Mr. Palombo asked about the Buffer Variance and Tree Planting.

Mr. Dagley replied that they did not ask for a Variance on the Buffer.

Mr. Ladner noted that if there was a mid-block crosswalk that they would not recommend for it to built there.

Mr. Dagley replied that there was a traffic light at Houston Street and you would walk up to the corner and cross at the intersection.

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Mr. Cummings wondered if the Board should just deal with the Setback and the Off-Site Parking and the Use because the Use was the expansion of the non-conforming use.

Mr. Palombo asked if they could keep numbers 4, 5, 6, 7, 8 and 9 on the staff report recommendation.

Mr. Dagley stated again that they would all be dealt with when they met with the Planning Commission for a Subdivision and the Building Permit.

Mr. Metcalfe asked why the Zoning Board had to look at it if it had to be done at the Planning Commission.

Mr. Cummings wondered if they were waiting to see if they ended up with Architectural Review Board and after Subdivision.

Mr. Dagley replied that that was correct. He noted that he had not been able to discuss any of these items with his clients yet. He also stated that if it was a stipulation of the Subdivision then of course then they would do it. However, if it was not, then they would probably ask for another variance.

Mr. Cummings noted that it looked like there needed to be more homework done on all the issues and that while they needed to be addressed but perhaps it could be done at a later time.

Mr. Palombo asked if they were currently only going to deal with the setbacks.

Mr. Cummings replied yes, the Setback and Use and Off-Site Parking.

Mr. Palombo asked if all of them had been denied except the Use.

Mr. Cummings replied no, not denied. They had asked for Setback, Off-street Parking and Use.

Mr. Palombo noted that the Variance request was for Setback, Parking Ratio and Off-Site Parking, Tree Planning and Buffer.

Mr. Dagley stated that no, he took exception to that.

Mr. Palombo replied that was what the records showed.

Mr. Dagley noted that they did not show any landscaping because they were asking for that as a Variance. He asked to be able to re-read his application to verify the exact wording to prove that they did not ask for a Landscaping Variance.

Mr. Palombo replied that Staff assumed that if you did not show any landscaping then you were asking for a waiver.

Mr. Cummings asked what kind of Tree Planning would be required.

Mr. Palombo stated that a basic tree plan showing the understory/overstory trees would be required.

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Mr. Cummings asked where they were going to put it.

Mr. Palombo replied it would be in the parking area.

Mr. Cummings noted that they would have to landscape the parking lot.

Mr. Dagley replied the landscaping would be done when they sent in a set of plans with a paved parking lot which would show the spaces and the ingress and egress.

Mr. Dagley stated that he would agree to put the landscaping on the parking lot. He then read from the application, "The requested variance for this property is to maintain the existing 16 ft setback on Houston Street and to allow a deficiency of number of parking spaces." We did not ask for any more than that.

Mr. Cummings stated that they would deal with the Use, Parking Ratio, Off-Site Parking, Setback and Landscape and Tree Planning as it pertained to the Off-Site Parking portion of the property.

Hearing no opposition or further discussion, a motion was made by Mr. Guess, with second by Mr. Metcalfe, **to deny the Tree Planting, and Buffer Variances but to approve the Setback, Parking Ratio, Off-Site Parking Variances to allow an addition to an existing church building within 16 feet of a side street side yard, 23 parking spaces located off-site, no tree plantings, and no appropriate buffers in a B-1, Buffer Business District.**

The motion carried unanimously.

OTHER BUSINESS:

Reid Cummings announced his turning in of his resignation to Reggie Copeland and that this was his last meeting.

Mr. Cummings stated that they would elect a Chairman and a Vice-Chairman. He opened the floor for nominations for Chairman.

Mr. Coleman nominated Bill Guess.

Mr. Cummings stated that Mr. Guess had been nominated Chairman.

Mr. Guess accepted the nomination.

Mr. Cummings asked if there was a second.

Mr. Davis made a second.

Mr. Cummings stated there was a second to that. He asked if all were in favor.

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All votes in favor were unanimous.

Mr. Cummings stated that they now needed to vote on a Vice-Chairman.

Mr. Davis nominated Vernon Coleman.

Mr. Coleman accepted the nomination.

Mr. Cummings stated that Mr. Coleman has been nominated. He asked for a second.

Mr. Guess made a Second.

Mr. Cummings asked if there was any discussion.

There was none.

Mr. Cummings asked if all were in favor.

All votes in favor were unanimous.

There being no further business, the meeting was adjourned.

APPROVED:

Chairman of the Board

/SG