

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF MARCH 3, 2008 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

Reid Cummings, Chairman
William Guess
Martha Collier*
Vernon Coleman
Sanford Davis
Mack Graham
*supernumerary member

MEMBERS ABSENT

J. Tyler Turner*

STAFF PRESENT

Frank Palombo, Planner II
Caldwell Whistler, Planner I
Tiffany Green, Secretary I

OTHERS PRESENT

John Lawler, city attorney
David Roberts, Traffic Engineering
David Daughenbaugh, Urban Forestry

Chairman Cummings noted the number of regular members present constituted a quorum and called the meeting to order, adding that only in the case of a recusal would the supernumerary member need to vote.

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

HOLDOVERS

#5457/4570

(Case #ZON2007-02853)

Chartersouth, Inc.

810 Dauphin Island Parkway

Southwest corner of Dauphin Island Parkway and Halls Mill Road

The Chair announced that the staff had recommended this application be held over for 60 days to await a decision by the Alabama Department of Transportation and asked if the applicant was agreeable with the recommendation.

Justin Smith of Saad & Vallas, spoke representing the applicant, stated they would agree to the recommendations of the staff.

The Chair then asked if it would take the 60 days requested to get the decision of the State's Transportation department.

Mr. Whistler advised 60 days was the safest option.

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Hearing no opposition and no further discussion, a motion was made by Mr. Coleman, with second by Mr. Guess, to hold the matter over for 60 days to await the decision of the State of Alabama Department of Transportation.

The matter carried unanimously.

PUBLIC HEARINGS:

#5462

(Case #ZON2008-00401)

Jean-Francois DeBien

400 and 401 Crenshaw Street, and 401 Westwood Street

Southwest and Southeast corners of Government Street and Crenshaw Street, and Southeast corner of Government Street and Westwood Street

Francois DeBien spoke on his own behalf and advised the Board he was the new owner of Palmier Apartments. He stated he had erected the fence a while back, but had no idea it would cause such a gigantic commotion with the zoning, and the City, etc. He said he had placed the fence in its current position based upon examples he found around in the downtown area where he found fences tight to the sidewalk, as well at the apartment complex directly across the street from his, and several apartment complexes down Michigan Avenue. His logic for putting the fence in its current location was to cut down on access to Government Street. He stated he had a major problem with people selling drugs and engaging in other illegal activities by pulling off of Government Street and going in and behind his apartment complex. He stated it had become like a “no man’s land”, “wild west” of crime, prostitution and drug sales. He added the fence has quieted such activities substantially, as well as allowing him and the Mobile Police department a way of controlling that area. He said he felt the fence was an integral part of keeping the place under control and in check. He advised the Board that he had probably dozens of letters from people who lived on Crenshaw Street, Westwood Street, Mohawk, and Seminole, expressing their support of the fence and the good it has created. Mr. DeBien then apologized for having put the fence up without going through proper channels, however, he stated he was very “fed up” and frustrated with the crime situation. It was not until later that he found out the placement of the fence would be an issue and asked that the fence be allowed to stay as it does benefit the neighborhood as a whole.

The Chair asked if a permit was pulled at the time the fence was erected.

Mr. DeBien said no.

The Chair noted, from pictures, it appeared there were 2 curb cuts to Government Street and it looked like a white barrier of some type still existed.

Mr. DeBien said that was correct and stated the barrier was wooden and was already present when he purchased the property.

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The Chair asked if the purpose of the fence was to eliminate “walk-thru”/”cut-thru” traffic, more so than vehicular traffic, as it is open on the other side.

Mr. DeBien said the purpose was to keep all the misfits, street people, etc., from accessing the whole property at will. He then mentioned there were lots of people who flagged down cars and sold drugs right there on Government Street. Many would back up traffic on Government Street, as well as access the driveways of his apartment complex.

The Chair thanked Mr. DeBien for his time and asked if there questions from the Board. Hearing none, he asked if there were any who wished to speak in favor of this application.

Mark Johnson, 5501 Regency Oaks Drive North, spoke on behalf of Mr. DeBien. Mr. Johnson is an officer with the Mobile Police department whose beat is Beat 12. The Palmier Apartments are right in the middle of this beat. He stated he was a strong supporter of the fence because as an officer who patrols that area both day and night, he has seen the difference the fence has made. Before the fence, he stated, it was like an open bazaar of drugs, prostitution, assaults and all kinds of illegal activities. He added that the fence has cut down on the visibility from Government Street of people “peddling their wares” and as much has cut down on the traffic from Government Street to that area. He said from an enforcement point of view, it makes it harder for people to run from the police. Before the fence, he said, the police would pull onto the site, catch people in an illegal act and the people would run to Government Street, hop in a car, and escape. The fence does not allow them access to Government Street to do that. Officer Johnson added that the area has almost become an oasis of calm and law abiding behavior since the fence was installed.

The Chair asked Officer Johnson if, based upon his experience with this area and beat, it was his opinion that requiring the removal of the fence would make the area return to the crime atmosphere prior to the installation of that fence.

Officer Johnson said it would absolutely return to the previous state.

The Chair asked if the Board had any questions for the officer. Hearing none, he thanked Officer Johnson for coming down. The Chair then asked if there were any in the audience who wished to speak in favor of the application or in opposition. He then asked if there were comments and or questions from the Board. The Chair then asked Mr. Lawler if the Board could take a stand on hardship as it relates to the issue of public safety. He asked if it was within the purview of the Board to take a stance on a variance request if the hardship could really be a matter of public safety.

Mr. Lawler advised the Board they were responsible for considering the totality of the circumstances that affect the property and whether or not the enforcement of the ordinance negatively impacts the property. He went on to say that in his opinion that allowing this variance would be improving the property and the community, as any variance granted was supposed to “fit in” with the overall zoning and land use scheme, and it was his opinion that this one would.

Mr. Guess said there was an issue of city easement involved as well.

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Mr. Whistler advised the Board that there was a 6 inch encroachment on the public right-of-way by the fence. He added that if the board voted in favor of this variance, a recommendation should be included that the face of the fence facing Government Street in both locations should be moved back off of the public right-of-way and that an "after the fact" fence permit must be obtained.

Upon hearing this, Mr. Coleman moved to grant the variance provide the fence was re-located so as to eliminate the encroachment on City right-of-way, which was seconded by Mr. Guess.

Mr. Davis posed a question to Officer Johnson wondering if the fence were moved back would it hinder the progress the fence has made.

Officer Johnson said in his opinion moving the fence would not hinder the progress of the fence, but he hated to see the property owner incur those expenses for just 6 inches.

Mr. Lawler let the Board know that with regards to the City's right-of-way, the zoning ordinance says that if an individual puts something in that right-of-way, they must have a variance to do so, but, regardless of that variance, if it becomes necessary to remove it from the right-of-way, the City is within its jurisdiction to do so.

Upon hearing that, Mr. Coleman withdrew his original motion. Mr. Coleman then moved, with second by Mr. Guess, to approve the variance as submitted, subject to the following conditions:

- 1. the applicant's understanding that if at any time the City deems it necessary in the use of its right of way that the fence be removed,**
- 2. replacement of said fence will be at the owner's expense and at that time should be moved South 0.6' out of the City of Mobile Right-of-Way, with no additional variance needed, and,**
- 3. an "after the fact" permit must be obtained.**

The Chair asked if the applicant understood the motion and suggested that should use of the right-of-way become necessary and the applicant choose to rebuild the fence at that time, it should be done at least 6 inches off of the right-of-way.

Mr. Coleman asked if the applicant needed to pull an "after the fact" permit.

Mr. Whistler advised that was the case.

Hearing no further pertinent discussion, the Chair called the vote.

The motion carried unanimously.

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#5463

(Case #ZON2008-00410)

West Mobile Properties, LLC

600 Zeigler Circle East

Southeast corner of Zeigler Circle East and Sellers Lane

Randy Poole and Robby Hockstader, 600 Zeigler Circle East, spoke on their own behalf. Mr. Hockstader spoke first saying they have a machine shop they are trying to expand and have gotten caught up in the City annexation process. In as much, their current lay-down yard requires being paved, however that was not allotted for when the building plans were drawn up and submitted to the bank. This will put them in a financial short fall in trying to meet those requirements. This is also holding up the completion of their project.

Mr. Poole said the new requirements had them about 2 months behind.

The Chair asked if the applicants had seen the staff's recommendations.

Both said they had not.

The Chair then advised them the staff had recommended approval subject to the following:

1. the applicant adhere to all the conditions placed on Planning Commission approvals;
2. that any future expansion of the operation include application to the Planning Commission for rezoning to I-2; and,
3. full compliance with all municipal codes and ordinances.

The Chair then asked the applicants to discuss any signage they anticipated for the site to be sure that it was in compliance with the City's sign ordinance.

Mr. Poole said they had one small sign out in front of the building.

The Chair commented that as they had quite a bit of frontage on two roads, there should be no problem in that regard. He then asked if there were future plans for expansion on the site.

Both gentlemen said yes, expansion was planned.

The Chair asked in what direction that expansion would take place.

Mr. Poole responded they had bought two lots next door to the south.

The Chair asked staff what was the zoning for that area.

Mr. Whistler responded it was zoned B-3, community business.

The Chair asked the applicants, if the expansion would include additional lay-down yard.

Both Mr. Poole and Mr. Hockstader said it would be for an additional building.

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Mr. Hockstader explained they were the EBSCO vendor and with Thyssen-Krupp coming in, they look forward to tremendous expansion in their business, so in anticipation of that, they purchased the 2 acre lot next door.

The Chair asked the staff if when the City zoned this property as B-3, was it selectively zoned.

Mr. Caldwell said it was not selectively zoned but simply given general land use zoning.

The Chair asked the applicants if, as this all occurred within the last 60 days as blanket zoning, were they aware that their property was getting ready to be zoned in accordance with City ordinances.

The applicants replied they were not and that they were actually working through the County permitting process when the matter “rolled” over to the City.

The Chair asked Mr. Whistler if the current use of the property would not fall under I-2 classification.

Mr. Whistler advised that was correct.

The Chair said again that the staff recommended approval and that they currently were within the City’s codes and ordinances with regard to landscaping, trees, and signage. He stated that the only real problem they would encounter would be upon expansion, as they were currently under B-3 zoning but their use required I-2 zoning. The Chair asked the staff if there was any I-2 property in the vicinity.

Mr. Whistler advised there was no industrial zoning in the area.

The Chair recognized that as a problem and asked the applicants when they anticipated utilizing the other pieces of property to the south.

Mr. Poole responded that they hoped to expand within the next 2 years.

The Chair reminded the applicants that the Board could not address the adjoining property at this time as it was not a part of this application. He added the Board could certainly take the staff’s recommendation for approval, but the applicants’ needed to be aware that in going forward and expanding their business, they should make application to the Planning Commission as soon as possible regarding rezoning their property due to it having just fallen under the City’s purview with regard to zoning. The Chair felt that if the applicants’ waited the anticipated 2 years with regards to expansion, the argument for rezoning lost some of its merit.

Mr. Poole stated they were focusing on getting this variance so that they could be a legal business with regards to zoning, but they did plan to immediately begin working with the staff to get Planning Commission approval on the rest of the property being rezoned I-2.

The Chair reminded the gentleman the Planning Commission process could take 45 to 60 days to complete. He then asked the staff to confirm that if the Board approved the variance subject to the staff’s recommendation, the applicants would not be required to pave the lay-down yard.

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Mr. Whistler advised that was correct and they would not be required to pave that area.

Hearing no opposition or further discussion, a motion was made by Mr. Coleman, with second by Mr. Davis, to approve the requested variance, subject to the following conditions:

- 1. the applicant to adhere to all other conditions placed upon Planning Commission approvals;**
- 2. that any future expansion of the operation include applications to the Planning Commission for rezoning to I-2, Heavy Industry, and Planning Approval; and,**
- 3. full compliance with all other municipal codes and ordinances.**

The motion carried unanimously and the variance was granted.

#5464/2163

(Case #ZON2008-00411)

John David Helland

1520 Terrell Road

Northeast corner of Terrell Road and Dauphin Island Parkway

David Helland spoke on his own behalf saying he had been before the Planning Commission, who had approved the rezoning, however, the City Council had not moved on it as they felt it opened up the opportunity for other, more negative impact businesses, if his business were to leave the property. He added the property abutted approximately 18 acres for B-3. He added he had brought for the Board's review his test drive route to show there would be no use of Terrell Road by the business.

The Chair stated that it was his understanding as well and that the City Council was concerned that the zoning wasn't compatible with the overall residential tone of the neighborhood.

Mr. Helland added the City Council was afraid a night club or something like that might try to come into the area.

Mr. Whistler said certain members of the Council were concerned if it were zoned B-3 that any allowed B-3 use could potentially occur and that it was simply too close in proximity to residential use, however, they tabled the issue rather than denying it.

The Chair noted from the staff's write up that the applicant was encouraged to see a use variance and asked if that encouragement came from the City Council.

Mr. Whistler stated that was the case.

Mr. Helland added that City Councilperson Clinton Johnson had written a letter in support to the business as well, and a copy of that letter should be with the application. He went on to add that there were several businesses in the area, such as the Door Palace, Fine Line Marine, Bama Ice,

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and Southern Bama Bait & Tackle. He also noted that the former Nan's Seas Restaurant was located at the end of Terrell Road, so the area had been commercial for some time.

The Chair asked Mr. Helland if he was moving from another place.

Mr. Helland stated he had moved to Mobile from Georgia.

Mr. Guess asked the applicant how many cars he anticipated having on the site at a time.

Mr. Helland said he felt that the majority of the time, there would probably be 10 cars with maybe 15 cars around tax time.

Mr. Guess questioned where, based upon the drawings, would the cars be placed on site, as well as where customer parking would be located.

Mr. Helland noted there was parking area there.

The Chair noted there were other sites up and down Dauphin Island Parkway that were more likely zoned for B-3 use than the piece in question and asked why he had picked that piece.

Mr. Helland said it was a corner lot with commercial around it and he liked it. He added that before actually purchasing the property, he had come down to the Planning department and spoken with Mr. Palombo who had said it should be a problem with putting his business at that location. Mr. Helland said there are approximately 18 acres of B-3 that border the residential home near his. In as much, he had not anticipated there being a problem with his business as far as the neighboring residents were concerned. He also stated he was under the impression that the B-3 zoning of that property had occurred in recent years.

The Chair reviewed the following Planning Commission recommendation for approval that had been submitted to the City Council:

1. the submission and approval of a Planned Unit Development application;
2. the removal of curb cuts to Terrell Road;
3. insulation of necessary landscaping materials; and,
4. and full compliance with all municipal codes and ordinances.

The Chair then asked if the Board had any further questions of the applicant. Hearing none, the Chair asked if there were those who wished to speak in favor of the application.

Chris Morton, 13921 Dauphin Island Parkway, spoke, saying he was in favor of it.

The Chair asked where Mr. Morton's address was in location to the location in question.

Mr. Morton said his address was on the other side of Dog River. Mr. Morton went on to say he felt it was a good idea and thought we should all support soft business in our area.

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The Chair thanked Mr. Morton and hearing no other support, asked if there were any who wished to speak in opposition.

Sam Wacker, 1512 Terrell Road, spoke, saying that the previous speaker's address was a quite a distance from the location in question.

The Chair advised that regardless of the address of a speaker, their comments, whether in support or in opposition, were taken under advisement by the Board.

Mr. Wacker stated he lived next to the property in question, so location from his standpoint was important. He went on to say he was opposed to it because he did not want a car lot right next to the home he had just purchased. He also said he had young children. He was aware that Mr. Helland intended on buffering the business from the Terrell Road residents, but did not think that could be done 100%.

The Chair asked how long Mr. Wacker had lived on Terrell Road.

Mr. Wacker said he purchased the home in October of 2007.

The Chair asked if Mr. Wacker had spoken to John Williams regarding this, as the Chair believed Mr. Williams to be the City Councilperson for that area.

Mr. Davis advised the Councilperson for that area was Clinton Johnson.

The Chair revised his question to say Mr. Johnson.

Mr. Wacker said he had not spoken with either Councilperson.

Mr. Coleman asked if Mr. Wacker lived immediately behind the property in question.

Mr. Wacker said he lived two doors down on the north side of the property.

Mr. Coleman asked if the lot on the corner was commercial.

The Chair advised that all of the property in that immediate vicinity was zoned R-1, including the Door Palace location.

Mr. Helland was curious as to how the Door Palace was in operation as it is zoned R-1.

Mr. Whistler advised the Door Palace was in operation due to having old, non-conforming status and stated they had been in business for a very long time.

The Chair also noted that the Zoning Ordinance was enacted in 1968 and the Door Palace had been in business at that location prior to that date.

Mr. Helland wondered how long the 18 acres had been rezoned.

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Mr. Whistler advised the two lots to Mr. Helland's north were in the past 3 or 4 years, but the other site in question had been zoned B-3 for many years.

Terry Young of Cypress Shores spoke saying when Mr. Helland had first spoken to him regarding the property, Mr. Helland had stated that he was going to have the business entrance off of Dauphin Island Parkway as well as put in a good deal of landscaping. At the time, Mr. Young felt this would be a benefit as the current state of the house and property was not very good.

The Chair asked Mr. Whistler if he knew when the last time this property was used residentially.

Mr. Whistler said as he traveled the area extensively and had for years, it was his recollection that the property had been used residentially within the last couple of years.

Mr. Helland said that no one had lived in the house since before Katrina; that it had been sitting vacant. Mr. Helland said he had bought the house from the Freemans who owned it and the one next to his property but closer to the bay. Mr. Helland said the Freemans were in full support of what he was doing.

The Chair asked if Mr. Helland meant that the previous owner of his property still owned the two parcels contiguous to his property.

Mr. Helland answered yes.

Mr. Guess asked Mr. Wacker if this meant the previous owners were also his next door neighbors.

Mr. Wacker said that was correct.

Mr. Helland stated for the Board that he knew of no one who would want to test drive a car on a slow, residential street. He also provided the Board with insurance information showing that he had to be present in a car when it was being test driven by a potential customer.

Ms. Collier questioned about whether the cars would be detailed or worked on mechanically at the site.

Mr. Helland said some light work would be done on site, but nothing heavy.

Ms. Collier said run-off was sometimes a worry, especially when cars are being washed on property. She then asked if there was a plan in place to deal with such.

Mr. Helland said there was a ditch which currently dealt with storm water run off, but that most of the cars were bought at auction and detailed before brought to the site.

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Ms. Collier welcomed Mr. Helland as a new business and property owner. She also welcomed Mr. Wacker as a new resident and property owner and expressed her concern that the Board remember their need to balance the needs of all parties.

Mr. Guess had another question for Mr. Wacker, wondering what changes to the plans could be done to make him feel more safe, if the variance were approved.

Mr. Wacker responded that even though he likes the fence as a buffer, there is really nothing the applicant could do to make him happy with a car lot as a next door neighbor.

Mr. Guess made sure the fence would not be helpful to Mr. Wacker.

Mr. Wacker said he still believed there would be “bleed over” traffic through the road and that Terrell Road was already quiet busy with people speeding up and down it.

Mr. Helland said that issue should be addressed by the Mobile City Police department and that area merchants should not be held responsible for the illegal activities that might be done by potential customers.

David Roberts, City Traffic Engineering representative, brought up the fact that the City is having real issues with right-of-way infringement and that if approved, City Traffic Engineering requested that a condition be the enforcement of the right-of-way.

The Chair made note of the request and made sure the applicant understood as well.

Mr. Helland said he fully understood and did not want to be breaking the laws of his new city and that he had spent and would continue to spend a great deal of time and money working to make the site look very professional.

The Chair stated the site plan indicated a wooden fence proposed on the north and east site lines and wondered if the applicant would consider extending the fence along the south line for a reasonable distance as well.

Mr. Helland said he would, but expressed his concern with possibly creating a “line of sight” issue.

The Chair noted Mr. Helland had a valid point and that extending the fence in that manner might put him in the right-of-way, so in all probability, extending the fence would not be necessary.

Mr. Helland again stated that he planned on putting nice trees in that area to increase the buffer between the commercial and residential properties.

Mr. Guess stated it was his experience that people shopping for cars were very likely to simply pull on to adjoining property and park and wondered if that might be the case on Terrell Road.

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Mr. Helland said that due to there being a very steep ditch beside the road, it was virtually impossible to do that. Mr. Helland reminded the Board that Clinton Johnson had written a letter of support regarding the business and had even told Mr. Helland that he was willing to come speak to the Board on his behalf, but that as a member of the City Council, he just was not comfortable rezoning the area, which would have allowed usages other than just the car lot.

The Chair said if he understood correctly, the Council's hesitation in approving the Planning Commission recommendation to rezone the area B-3 was based upon the point that if it were rezoned B-3 and the next month the applicant chose to re-locate his business, then any B-3 use could occupy the corner without having to do anything other than pull a permit, but if the applicant were granted a variance, the location would be limited in its business use to only a car lot.

Ms. Collier commented that she had some hesitancy because she wondered if it was still possible for a family to live in the house as it is zoned R-1.

Mr. Helland said he was not asking that it be rezoned from residential, but simply that he be granted a variance to operate a business at that location, and in response to Ms. Collier's question as to whether a family could still live there, he felt a family could live anywhere if necessary.

Mr. Graham asked about the approximate 3 parcels located on the west side of Dauphin Island Parkway which were shown with Winston Road as to whether or not they had structures on them and their zoning.

The Chair said it appeared they had no structures and were zoned R-1.

Mr. Helland said in all probability the reason nothing had been done with those pieces was due to the fact the land was very wet.

The Chair advised the other Board members that Clinton Johnson's letter did express his support for Mr. Helland and his business.

Hearing no other opposition or further pertinent discussion, a motion was made by Mr. Coleman, with second by Mr. Guess, to approve the variance, subject to the following conditions:

- 1. adherence to the site plan submitted;**
- 2. any conditions placed upon Mobile City Planning Commission approvals;**
- 3. any additional on-site lighting not to shine into adjacent residential properties; and,**
- 4. full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

#5465/1793

(Case #ZON2008-00413)

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Christopher Knowles

650 Palm Street

Northeast corner of Palm Street and Cotton Street

Mr. Knowles spoke on his own behalf.

The Chair asked Mr. Knowles if he had reviewed the staff's recommendation for approval subject to coordinating with Urban Forestry with regards to landscaping requirements, the submission of a revised plat showing a buffer between the subject property and the adjoining residential property, adding that buffer could be a 6 feet wooden fence or a landscape buffer, the revised plat need to also show a dumpster or a statement that there would be no on-site dumpster, the revised plat would show curbing and or landscaping between the parking area and the right-of-way, the revised plat would show that traffic entering from Cotton Street would be "one way" and that traffic would exit on Palm Street.

Mr. Whistler commented the staff felt a 6 feet wooden fence buffer would be best in this case, as the property did not have room for a 10 feet vegetative buffer.

The Chair noted the buffer would run along the north and east property lines, stopping at the right-of-way.

Mr. Whistler said the buffer would begin at 6 feet in height and go 25 feet back from Palm Street then drop to 3 feet in height. He also added that the 6 feet tall wooden fence would go 20 feet from Cotton street then drop down to 3 feet in height.

The Chair and Mr. Coleman asked if, as the building itself is 20.3 feet from Palm Street, could the fence begin at the corner, thus creating a true buffer.

Mr. Whistler advised that would be 12 feet from Cotton Street, because the site to the rear apparently faces Rice Street, so that would require only a 12 feet setback to Cotton Street for the fence height.

Mr. Coleman confirmed that mean to the east side.

The Chair restated that on the east side of the fence Mr. Knowles would need to go back 12 feet and asked what would need to be done on the Palm Street side.

Mr. Whistler said as Palm Street would be his front street, it would be 25 feet.

The Chair asked for the record if there were any that wished to speak in favor or in opposition to the matter and noted there was no one sitting in the audience.

Hearing no further discussion, a motion was made by Mr. Coleman, with second by Mr. Guess, to approve the variance subject to the following conditions:

- 1. applicant shall coordinate with Urban Forestry on landscaping requirements;**

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2. revision of the plat to show a 6 ft privacy fence between the subject property and the adjoining residential property to begin even with the northwest corner of the building, being no less than 20.3 ft from Palm Street;
3. revision of plat to depict a dumpster or submittal of a statement that a dumpster is not being provided;
4. revision of the plat to indicate curbing, landscaping or edging between the parking area and public right-of-way; and,
5. modification of the plat to depict a one way drive with traffic entering from Cotton Street and exiting onto Palm Street.

The motion carried unanimously.

OTHER BUSINESS:

Mr. Lawler advised the Board that he had received an appeal regarding the Halladay case, which involved a house on Dauphin Street with two apartments located in the rear of the house. He also said he had just received an appeal regarding the house on Upham Street near the HealthSouth location.

Mr. Guess asked the status on minutes to be approved and was informed by the secretary that they were being processed as quickly as possible.

There being no further business, the meeting was adjourned.

APPROVED: January 5, 2009

Chairman of the Board

/jl