

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF AUGUST 6, 2007 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

Stephen Davitt, Vice-Chairman
Martha Collier*
Vernon Coleman
William Guess
J. Tyler Turner*
 *supernumerary

MEMBERS ABSENT

Reid Cummings, Chairman
Sanford Davis

STAFF PRESENT

Frank Palombo, Planner II
Tiffany Green, Secretary I

OTHERS PRESENT

John Lawler, City Attorney
David Roberts, Traffic Engineering

Vice-chairman Davitt noted the number of members present constituted a quorum and called the meeting to order. Mr. Cummings advised all those in attendance of the rules, regulations, and procedures regarding Board of Zoning Adjustment meetings and votes.

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

At this time Mr. Davitt announced that in the absence of Mr. Cummings and Mr. Davis, all supernumerary would vote.

PUBLIC HEARINGS:

#5425

(Case #ZON2007-01834)

Tomi Sue Rusling

4072 Old Shell Road

Northeast corner of Old Shell Road and Dilston Lane.

Jerry Byrd, Byrd Surveying Company, spoke on behalf of the applicant and her desire to add an 8 feet extension to the building on the side bordered by Dilston Street for storage. The addition would be approximately 96 square feet. It would not increase seating for the coffee shop nor would it cause them to lose any of the existing on-site parking. Mr. Byrd felt that in re-arranging the site to accommodate the addition, the coffee shop might gain an extra on-site parking space. Mr. Byrd advised that there was a parking agreement between the coffee shop and the dermatology office.

Mr. Guess asked for verification that there were copies of any parking agreements in the file and was advised yes.

Ms. Collier asked if it might be possible to use the current storage building located to the back of the property for the additional storage.

Mr. Byrd said he was not sure if the building could accommodate the additional storage needed as well as the roaster.

Ms. Collier also expressed concern regarding the physical safety of the building and queried as to whether Mr. Byrd or the applicant were concern over whether the building might get hit by a vehicle.

Mr. Byrd said that was always a possibility, however, the applicant was looking at placing a bumper, post, or some other method of stopping an on-coming vehicle to prevent this happening.

Mr. Turner expressed his concern that the coffee shop was always very busy and appeared to always be at maximum capacity. He also stated that the area in question was highly congested. He suggested that it might be possible that the coffee shop had outgrown their current location and that due to all of the factors had been previously stated, he felt granting this variance would simply make a bad matter worse.

Mr. Palombo brought up the matter of additional trees to the site, stating that the applicant had room on the site for two trees.

Hearing no further discussion, Mr. Davis moved that the Board approve the request for a variance subject to the following conditions:

- 1) the planting of two trees along the property line fronting Old Shell Road;
- 2) installation of curbing along the property line fronting Dilston Street; and,
- 3) the proposed additional 93 square feet be used only for storage.

The motion was seconded by Mr. Turner.

The vice-chair called the vote with Mr. Turner, Mr. Coleman, and Mr. Davitt voting in favor of the motion. Mr. Guess and Ms. Collier voted against the motion, causing the variance to be denied.

OTHER BUSINESS

The Board reviewed the proposed meeting schedule for the 2007-2008 calendar.

Mr. Guess moved to accept the schedule as written, with second by Mr. Coleman.

The matter carried unanimously.

Hearing no further business, Mr. Davitt moved to adjourn the meeting. Mr. Coleman seconded the motion, which carried unanimously.

Board of Zoning Adjustment
August 6, 2007, minutes

APPROVED: August 4, 2008

Chairman of the Board

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