



## Minutes of the Alabaster Board of Zoning Adjustment June 20, 2016 Meeting

**Date:** June 20, 2016  
**Place:** 1953 Municipal Way, Council Chambers  
**Time:** 6:00 p.m.  
**Present:** Richard Olive  
Alan Cannon  
Rayford Coleman  
Mike Whitaker  
**Absent:** None  
**Others Present:** Sherri S. Proctor, Planning & Zoning Coordinator

- 1. Roll Call:** Chairman Richard Olive called the meeting to order at 6:00 PM by calling roll and establishing a quorum.
- 2. Approval of March 21, 2016 minutes:** Motion to approve the March 21, 2016 minutes was made by Rayford Coleman, seconded by Mike Whitaker. Voice vote recorded as follows: Ayes-All; Nays-None. Chairman Richard Olive declared motion passed.
- 3. Approval of June 20, 2016 agenda:** Motion to approve the agenda for June 20, 2016 regular meeting was made by Alan Cannon, seconded by Rayford Coleman. Voice vote recorded as follows: Ayes-All; Nays-None. Chairman Richard Olive declared motion passed.
- 4. Opening statement:** Chairman Olive instructed the audience on Sec. 111-14(f) regarding appeals from decisions of the Board of Zoning Adjustment.
- 5. VA2016-06;** Frances Fenley; Property located on Biddie Lane; Variance to Sec. 111-39. Ms. Jennifer Mealer presented the request to replace the existing mobile home with a new model manufactured home. Ch. Olive asked if the new manufactured home met applicable regulations and the requirements for manufactured homes to which Ms. Mealer stated that it does. Mr. Doug Lesley addressed concerns with the installation of the home and meeting the Alabama Manufactured Housing Commission regulations.

**Mr. Coleman made the following motion:**

**To grant a variance to Sec. 111-39 allowing continuance and replacement of the mobile home is granted subject to conditions of Sec. 109-19 of the City of Alabaster Code, and Sec. 111-75 of the Zoning Ordinance:**

- Axles, tongue, hitch, tires, etc. removed
- Home shall be blocked and anchored.
- Skirting along the entire perimeter, skirting shall blend/match color/material of home
- Porches/decks/permanent steps at all doorways
- Installed according to code, Alabama Manufactured Housing Commission
- a condition was added that the existing mobile home be removed from the site within 60 days of installation of the new manufactured home.

**Second was offered by Mr. Whitaker. The roll call vote recorded as follows: Ayes-Mr. Coleman, Mr. Whitaker, Mr. Cannon, Chairman Olive. Ch. Olive declared the motion to approve passed unanimously.**

# Alabaster

**6. VA2016-07; Prominence Homes; 116 Falling Waters Lane; Sec. 111-71(e)**

Scott Underwood presented the request for a front yard setback variance to allow the proposed home to encroach into the front setback. The proposed foundation as originally proposed met the setbacks, but staff had concerns that the foundation may encroach into the drainage easement along the rear of the lot. The applicants decided to request the variance so that the foundation could be moved away from the easement. Ch. Olive called for audience discussion. Several members of the audience spoke in opposition of the request voicing concerns over the quality of the homes being built, the condition of the streets and property values. Ch. Olive acknowledged their concerns but stated that due to the nature of the request, as the home could be built without the variance, and that the city could not enforce the restrictive covenants, the Board had the authority to approve since a hardship could be established. Ch. Olive stated for the record that a petition in opposition has been presented containing 28 signatures. Ch. Olive called for a motion:

**Mr. Cannon made the following motion:**

**To grant a variance to Sec. 111-71(e) allowing a 7 foot variance to the front yard setback of 20 feet to allow no more than a 7 foot encroachment into the front setback. Second offered by Mr. Whitaker. The roll call vote recorded as follows: Ayes-Mr. Coleman, Mr. Whitaker, Mr. Cannon, Chairman Olive. Ch. Olive declared the motion to approve passed unanimously.**

**7. VA 2016-08; Ventura Colin and Lisbeth Gutierrez; 1227 1<sup>st</sup> St. N.**

Mr. John Robbins, attorney for the applicants, presented the request to allow the use of a tire store/repair at the property which is within the Medical Mile Overlay District. Mr. Robbins explained that the applicants were not informed about the ordinance, and that the sellers understood the intended use, but were not told they would not be able to use the building for a tire store. Ch. Olive referred to the staff analysis for the dates of the the passing of the medical mile ordinance as well as the moratorium which preceded the purchase. Ch. Olive opened the floor for public comment. There being none, Ch. Olive explained that the Board could not approve a prohibited use, and that a legitimate hardship had not been established. Ch. Olive called for a motion:

**Mr. Coleman made the following motion:**

**To deny a variance to Sec. 111-90(d), allowing the prohibited use of a tire store, within the medical mile. Second offered by Mr. Cannon. The roll call vote recorded as follows: Ayes-Mr. Coleman, Mr. Whitaker, Mr. Cannon, Chairman Olive. Ch. Olive declared the motion to deny passed unanimously.**

**8. Adjourn: Motion to adjourn was made by Mr. Cannon second by Mr. Whitaker. Meeting adjourned at 7:54 p.m.**

  
Richard Olive, Chairman

  
Sherri S. Proctor, Secretary