

Board of Zoning Appeals
Minutes
August 5, 2014

I. Call to order

Vice Chairman Karig called the regular meeting of the Board of Zoning Appeals to order on August 5, 2014 at 5:30p.m. in the City Hall Conference Room, 1207 Palm Boulevard. Other members present were Carolyn Holscher, Jay Leigh and Glenn Thornburg; also Secretary Douglas Kerr was present.

II. Nomination and election of Chairman and Vice Chairman

Mr. Karig opened the floor for nominations for Chairman. Mr. Leigh nominated Mr. Karig as Chairman and Mr. Thornburg seconded the motion. With no other nominations, the vote was unanimous to elect Mr. Karig as Chairman.

Mr. Karig opened the floor for nominations for Vice Chairman. Mr. Leigh nominated Mr. Thornburg to be Vice Chairman and Ms. Holscher seconded the motion. With no other nominations, the vote was unanimous to elect Mr. Thornburg as Vice Chairman.

II. Approval of minutes

The next item on the agenda was the review of the minutes of the July 1, 2014 meeting. Ms. Holscher made a motion to approve the minutes. Mr. Thornburg seconded the motion and the vote was unanimous to approve the minutes.

III. Home Occupancies

Mr. Karig explained that the Board acted as a quasi-judicial body and all comments made were treated in the same manner as court testimony; therefore, any person who would like to speak to the Board should be sworn in. He then swore in all members of the audience that would be speaking.

2602 Hartnett Boulevard

Mr. Kerr explained that the applicant was requesting a special exception to allow the establishment of a construction business at his home. He explained that the applicant has indicated that there will be no business related traffic coming to the house in connection with the business and that the only work at the home would be office work.

Mr. Thornburg asked the applicant to explain the type of work he would be doing. The applicant, Mr. Danny Gladden, explained that he was a home builder and he would be building one or two homes each year. He stated that he had no employees and that all of his work was done with subcontractors. He explained that he would not have clients coming to his house and that he would keep his truck at his home.

Mr. Karig asked if subcontractors would be coming to the house to be paid. Mr. Gladden answered no. Mr. Thornburg asked if there would be any signs visible and Mr. Gladden answered no.

Ms. Holscher made a motion to approve the request and Mr. Leigh seconded the motion. The vote was unanimous in favor of approving the request.

IV. Special Exception

1521 Palm Boulevard

Mr. Kerr explained that the next request was for a special exception to allow the establishment of a veterinarian office in the GC1 (general commercial) zoning district at 1521 Palm Boulevard, which had previously been used as a dry cleaning business. He explained that Section 5-4-37(1) of the City's zoning code specifies that veterinarian offices in the GC1 zoning district are only allowed as a special exception if granted by the Board of Zoning Appeals. Section 5-4-5 (c) of the zoning code specifies the standards that the Board must apply in deciding special exception applications. That Section reads:

(c) *Special exceptions.*

1. Upon written application filed with the Zoning Administrator, the Board may grant as a special exception any use specified as a special exception in the zoning district regulations. In addition to the conditions generally required by the applicable zoning district regulations, the Board shall apply the following standards in deciding special exception applications:
 - (1) Adequate provision shall be made for setbacks, fences, buffer or planting strips to protect adjacent properties from adverse impact of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors.
 - (2) Vehicular traffic and pedestrian movement on adjacent roads must not be hindered or endangered.
 - (3) Off-street parking and loading areas and the entrances and exits for the use must be adequate in terms of location, number, design and construction to serve the use without adverse impact on adjacent properties.
 - (4) The proposed use must not adversely affect the property values, the general character or the general welfare of the surrounding vicinity.

2. In granting a special exception, the Board may attach to it such conditions regarding the location, size, character, or other features of the proposed use as the Board may consider advisable in order to promote public health, safety, or general welfare. No special exception use may be altered or enlarged without the prior approval of the Board.

Mr. Kerr explained that the applicant claims that the standards in the ordinance will be met because all kennels will be located inside of the building and adequate provisions are in place to handle parking, loading traffic movement and similar factors.

Mr. Karig asked the applicant is there was anything he wanted to add. The applicant, Mr. Johnathan Shong, explained that he had been a practicing veterinarian for 20 years at his current office on John's Island. He explained that he would do very little only boarding and would only keep animals overnight if it was medically necessary. He explained that he would not be an animal hospital and he would not be a boarding facility. He explained that the animals would not be outside for very long and they would only go out for quick exercise and to make determinations regarding lameness. He explained that the facility would be kept very clean.

Mr. Leigh stated that there is currently an area for a drive through and he asked how that area would be incorporated into the business. Mr. Shong answered that this area would be fenced in and this would be where the animals come outside.

Mr. Leigh asked what the hours of operation would be. Mr. Shong answered 9am to 7pm Monday through Friday and 9am to 12pm Saturday.

Ms. Holscher asked how many employees he expected to have. Mr. Shong answered that there would be one doctor, one technician and a receptionist and that occasionally his partnering doctor would come.

Mr. Leigh asked if the practice would be limited to cats and dogs. Mr. Shong answered yes, that he tends to farm animals at his John's Island practice, but he would not be seeing them here.

Mr. Karig asked how the noise from animals inside the building would be contained. Mr. Shong's contractor, Mr. Hardman, answered that in the middle of the building they would be constructing a sound proof isolation room, which would be built with eight inch concrete blocks.

Mr. Thornburg stated that he was concerned about the possibility of dog runs adjacent to the nearby residences. Mr. Kerr explained that the Board could place limitations on their approval, if they chose to do so. Mr. Kerr asked Mr. Shong if there was a time limit that he would be

comfortable with the Board placing on the operation to ensure that animals were not kept outside. Mr. Shong stated that he thought a limit of 20 minutes would be very reasonable.

Mr. Karig stated that he would also favor a condition that prohibited outdoor kennels.

Mr. Leigh made a motion to approve the request under the condition that no animal be kept outside longer than 20 minutes and that there be no outdoor kennels and that the building be constructed in such a way that it includes an isolation room that keeps the noise of animals inside from being detectable outside of the building. Mr. Thornburg seconded the motion and the vote was unanimous in favor of the motion.

V. Adjournment

With no other business, the meeting was adjourned at 5:55 PM.