

Board of Zoning Appeals
Minutes
September 2, 2014

I. Call to order

Chairman Karig called the regular meeting of the Board of Zoning Appeals to order on September 2, 2014 at 5:30p.m. in the City Hall Conference Room, 1207 Palm Boulevard. Other members present were Pete Dougherty, Carolyn Holscher, Jay Leigh and Glenn Thornburg; also Secretary Douglas Kerr was present.

Mr. Karig welcomed the newest member of the Board, Mr. Pete Dougherty.

II. Approval of minutes

The next item on the agenda was the review of the minutes of the August 5, 2014 meeting. Mr. Leigh made a motion to approve the minutes. Ms. Holscher seconded the motion and the vote was unanimous to approve the minutes.

III. Special Exception

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.

31 J.C. Long Boulevard

Mr. Kerr explained that the applicant was requesting a special exception to allow the expansion of the outdoor seating of a restaurant in the GC3 zoning district. He explained that the addition would include roughly 500 square feet of deck on the back of the restaurant and include 22 seats. He explained that Section 5-4-36(5)(a) of the City's zoning code specifies that the outdoor sale of food or beverages, in whole or in part, in the GC3 district is permitted only by special exception pursuant to Section 5-4-5 granted by the Board of Zoning Appeals. He stated that Section 5-4-5 (c) of the zoning code specifies the standards that the Board must apply in deciding special exception applications and 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 stated that the applicant claims that the standards in the ordinance will be met by satisfying all setback, screening, loading and parking requirements. The applicant had stated on the application that vehicular traffic will not be increased; and that the proposed use will improve the property and positively affect the surrounding property values.

Mr. Kerr added that the current parking for the site is insufficient to meet the code and that as part of the building permit review process, the applicant would have to bring the site into compliance with the minimum standards of the parking requirement.

The applicant's architect, Mr. John Crouch, explained that the current site provides 29 spaces and that at the end of this project, they are proposing to provide 29 spaces on site, but that the code requires 37 spaces for the operation so they will need to find 8 additional spaces. He explained that this could be done by either acquiring the portion of right-of-way on the side of the restaurant or by entering into an agreement with the operator of the large parking lot and leasing the additional spaces.

The owner of the restaurant, Mr. Bobby Sims, explained that the additional space being provided would not provide more dining seats, but it would allow overflow customers a nice

place to wait. The area would have a fireplace and couches and it would allow the wheelchair access ramp to be relocated to this area.

Mr. Leigh made a motion to approve the request, provided that during the permit review process all applicable codes are met, including the parking requirement. Ms. Holscher seconded the motion and the vote was unanimous in favor of the motion.

V. Adjournment

With no other business, the meeting was adjourned at 5:50 PM.