Mr. Hancock called the meeting to order at 1:00 p.m., introduced the board members, as well as the staff, and explained the procedures for hearing the cases.
LAYOVER CASES:

1. Case No. 10-131 WITHDRAWN
   Jeff Lampe
   (Over from 10/21/10)
   4472 Shady Lane Circle  68105
   REQUEST: Waiver of Section 55-839(2) – Variance to allow a 36 sq. ft., 17’ high pole sign not allowed in the CBD
   LOCATION: 555 N 13 Street
   ZONE: CBD

This case was withdrawn per the applicant’s request.
2. Case No. 10-141  
Scooter’s Coffeehouse  
(Over from 11/18/10)  
Attn: Adam Cockerill  
3201 Wilhelminia Drive  
Bellevue, NE  68123

REQUEST: Waiver of Section 55-366 – Variance to the front yard setback from 25’ to 3’ to erect a 12’ X 30’ drive-up coffee kiosk

LOCATION: 7601 Pacific Street

ZONE: CC

At the Zoning board of Appeals meeting held on Thursday, December 16, 2010, Mr. Adam Cockerill appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that this case was laid over to allow the applicant time to provide a detailed parking study. He stated that the applicant will lose 13 parking stalls in order to provide for the drive-up aisles and meet the minimum standards of the ordinance. Blair noted a small outdoor patio in connection with this use. He stated that the Planning Department is in support of this plan.

In response to Mr. Anzaldo, Mr. Cockerill stated that the new construction will have unisex restrooms which will also have handicap access.

Mr. Anzaldo moved to APPROVE the request. Mr. Meyer seconded the motion.

Mr. Hancock noted that the City took into account, in figuring the parking calculation, the fact that there was a restaurant at that location previously.

AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 5-0
3. Case No. 10-147
   Tony Constantino
   (Over from 11/18/10)
   6516 Irvington Road  68122

   REQUEST: Waiver of Section 55-740 & 55-716 – Variance to the off-street parking design standards by allowing vehicles to back into adjacent streets, to perimeter and street yard landscaping from 10’ and 8.5’ to 0’ and to the handicapped access aisle from 8’ to 5’ by enlarging an existing restaurant

   LOCATION: 6516 Irvington Road
   ZONE: GC

At the Zoning Board of Appeals meeting held on Thursday, December 16, 2010, Mr. Mahlendorf moved to LAYOVER this case until the January 20, 2011 meeting to allow the applicant time to get a survey done which will determine where the parking stalls are in relation to the public right-of-way. Mr. Meyer seconded the motion.

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0
NEW CASES:

4. Case No. 10-150
   Justin Darby
   623 S 78 Street  68124

   REQUEST: Waiver of Section 55-126 – Variance to the side yard setback requirement from 25’ to 22’ to allow construction of a new 40’ X 40’ garage addition

   LOCATION: 623 S 78 Street
   ZONE: R1

At the Zoning Board of Appeals meeting held on Thursday, December 16, 2010, Mr. Justin Darby, and Mr. Richard Smith, 3004 South 72nd Avenue, appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that this case involves a 40’ X 40’ garage at the rear of the residence with access gained via a driveway extending from the south side of the house with the doors facing south. He stated that the applicant proposes a 22’ setback from the north property line which is the same setback for the existing structure. The site plan indicates that the garage would have living space above it as well. Blair stated that elevation drawings were not submitted by the applicant.

Mr. Thomas Cheslak, representing his mother, the property owner at 620 South 76th Street, appeared before the board with concerns. He stated that the plans submitted to the Planning Department were of a one-story garage. Mr. Cheslak also had an issue with his mother’s property being at a direct level with headlights shining into her property from the applicant’s driveway path. He suggested that the applicant added greenery or a fence to obstruct the lighting.

Mr. Richard Schuler, 832 South 76th Street, appeared before the board with concerns. His concern was due to the size of the garage. He stated that the neighborhood is residential and questions whether the proposed addition will be a business. In response to Mr. Meyer, Mr. Darby stated that the second story will be living space only.

Mr. Hancock stated some concern regarding the applicant’s permit for the one-story addition. He stated that the applicant will ultimately need to secure a permit for the second story also. Hancock suggested a layover to allow the applicant time to complete and submit the plan. Mr. Meyer recommended that the applicant identify the building materials and address the concern of he neighbor with respect to lighting.

Mr. Anzaldo moved to LAYOVER until the January 20, 2011 meeting to allow the applicant time to present a full set of plans of the upper and lower floors of the garage addition. Mr. Meyer seconded the motion.

AYES: Meyer, Donovan, Anzaldo, Mahlendorf, Hancock

MOTION CARRIED: 5-0
5. Case No. 10-151
   Ricky Kumar
   5804 Nicholas Street  68132
   Firouzan Massoomi
   5618 Nicholas Street  68132

   REQUEST: Waiver of Section 55-166 – Variance to the minimum lot width from 60’ to 45.4’ and 56.58’ and to the minimum lot area from 7,500 sq. ft. to 5,527 sq. ft. and 6,629 sq. ft. and to the side yard setback from 7’ to 2.2’ to permit a lot line adjustment

   LOCATION: 5618 & 5804 Nicholas Street
   ZONE: R3

At the Zoning Board of Appeals meeting held on Thursday, December 16, 2010, Mr. Firouzan Massoomi appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the applicants are requesting to move the common lot line to the west so that the driveway is totally on the 5618 Nicholas Street property due to the expiration of an easement associated with that property. He stated that the only change will be the square footage of each lot.

Mr. Lloyd Meyer felt that this request would clear up any title issues in the future. Based on the Department’s recommendation, Mr. Meyer moved to APPROVE the request. Ms. Donovan seconded the motion.

AYES: Donovan, Anzaldo, Mahlendorf, Meyer, Hancock

MOTION CARRIED: 5-0
At the Zoning Board of Appeals meeting held on Thursday, December 16, 2010, Mr. Larry Jobeun, Fullenkamp Doyle & Jobeun, 11440 West Center Road, and Mr. David Barnett, Carlson Consulting Engineers, 7068 Ledgestone Commons, Bartlett, TN, appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that this case involves the landscape buffer which is a requirement along the Major Commercial Corridor and this property will ultimately be zoned MCC rather than its current Commercial Corridor (CC) zoning. He stated that the zoning change has not yet been completed. Blair noted that the applicant has donated 5’ of right-of-way along Center Street as well.

Mr. Anzaldo moved to APPROVE this request. Mr. Meyer seconded the motion.

DISCUSSION: In response to Mr. Mahlendorf. Mr. Blair stated that 10’ of landscaping is the requirement under the current ordinance which is a dramatic improvement. Blair added that the concern is to create some continuity along major traffic corridors which is why the code requires 15’ of landscaping.

AYES: Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED: 5-0
7. Case No. 10-153
   Orange Development
   1200 Corporate Drive
   Birmingham, AL  35242

   REQUEST: Waiver of Section 55-928 E – Variance to the required landscaping in a major commercial corridor from 15’ to 8.5’

   LOCATION: 2609 S 132 Street
   ZONE: CC (MCC Overlay District pending)

At the Zoning Board of Appeals meeting held on Thursday, December 16, 2010, Mr. Larry Jobeun, Fullenkamp Doyle & Jobeun, 11440 West Center Road, and Mr. David Barnett, Carlson Consulting Engineers, 7068 LEDGESTONE Commons, Bartlett, TN, appeared before the board in support of this request.

Mr. Jobeun referenced the site plan handed out and explained that this proposed plan is at a redevelopment site where the surrounding buildings and streets are already in place. He pointed out the 63’ buffer which will allow future widening if needed. Jobeun addressed the trees which are in the right-of-way, stating that changes are still being discussed with the City to develop a landscape plan.

Mr. Mahlendorf moved to APPROVE the request. Mr. Meyer seconded the motion

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0
8. Case No. 10-154
   Dave & Mary Overbay
   10038 Ohio Street 68134

REQUEST: Waiver of Section 55-146 – Variance to the street side yard setback from 20’ to 9’ 11 to erect a 15’ 13.4 X 24’ 4” garage addition

LOCATION: 10038 Ohio Street
ZONE: R2

At the Zoning Board of Appeals meeting held on Thursday, December 16, 2010, Mr. & Mrs. Overbay, and Mr. Mick McGuire, Straightline Design, 3925 South 147th Street, appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the Department does not see a hardship created by the ordinance. He stated that the applicant has the option to build a detached garage without a waiver. Blair added that there is no justification for coming within 9’ of 100th Street. He also pointed out that the applicant submitted a petition signed by surrounding neighbors who were in support of this proposal.

Mr. Dave Overbay pointed out that the other properties in the neighborhood have attached garages which give a uniform appearance. Mr. Lloyd Meyer suggested the applicant have a detached garage closer to the house and develop the area between the house and garage into a patio.

Mr. Meyer amended the request and moved to APPROVE an 11’ street side yard setback to erect a 13’ 4” X 24’ 4” garage addition with the condition that no further construction be allowed on any separate buildings on the site. Ms. Donovan seconded the motion.

AYES: Anzaldo, Mahlendorf, Hancock

NAYES: Meyer, Donovan

MOTION FAILED: 3-2
9. Case No. 10-155
   Rose Green
   7511 Bedford Avenue  68134
   REQUEST: Waiver of Section 55-146 – Variance to the lot width requirements from 80’ to 60’ to allow the subdivision of the property
   LOCATION: 7545 Bedford Ave
   ZONE: R2

At the Zoning Board of Appeals meeting held on Thursday, December 16, 2010, Mr. Michael Green, representing the applicant, appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that in this tract of land is almost 27,000 sq. ft. He referenced an exhibit showing that the applicant wants to subdivide it into two properties. One property on Bedford Ave. would be approximately 10,000 sq. ft., 60’ feet wide and would extend south from Bedford 167 feet. This does not meet the minimum lot width requirements of the R2 zone. Blair stated that the neighbors have concerns regarding the remaining property. He stated that the Planning Department is in support of the waiver because there are many other 60’-wide lots in the neighborhood. The remaining property is 16,000 sq. ft., almost 7,000 sq. ft. larger than what the law would permit in this zoning classification.

Mr. Green stated that the property is rental property with the back portion being maintained by the owners. The purpose was to split the property so that each lot could be sold separately if necessary. At this time, there are no plans to sell the property.

Ms. Michel Davis, 7535 Bedford Avenue, appeared in opposition to the request. She stated concerns regarding runoff if the applicant decides to build on the back portion of the property. She was also concerned about the costs for City Sewer and paving being installed if the applicant builds. Mr. Blair stated that there are laws that protect other residents with respect to drainage, etc. The issue became whether the applicant plans to sell the property. Mr. Blair stated that an alternate would be to rezone the property.

Ms. Donovan moved to APPROVE the request. Mr. Mahlendorf seconded the motion.

AYES: Donovan, Mahlendorf, Meyer, Hancock

NAYES: Anzaldo

MOTION CARRIED: 4-1
10. Case No. 10-156
    N & H Builders
    4506 Snowdrift Lane  68152

    REQUEST:  Waiver of Section 55-126 – Variance to the interior side yard setback requirement from 25’ to 8’ to allow the conversion of an existing and covered patio to an enclosed 3-season room

    LOCATION:  510 Loveland Drive
    ZONE:  R1

At the Zoning Board of Appeals meeting held on Thursday, December 16, 2010, Mr. Gary Hallberg, N & H Builders, and Mr. Larry Jobeun, Fullenkamp Doyle & Jobeun, 11440 West Center Road, appeared before the board in support of this request.

Mr. Tom Blair, ZBA Administrator, stated that the lot is triangular shaped. He stated that in this case the pitch on the roof is being changed. The neighbor to the west side is not directly impacted by this request. Currently, the existing roofline sits only 3.5’ above the adjacent property which slopes up approximately 6 feet.

Mr. Meyer moved to APPROVE the request. Ms. Donovan seconded the motion.

AYES:  Anzaldo, Mahlendorf, Meyer, Donovan, Hancock

MOTION CARRIED:  5-0
APPROVAL OF MINUTES:

Mr. Mahlendorf moved to APPROVE the November 18, 2010 meeting minutes as written. Ms. Donovan seconded the motion.

AYES: Mahlendorf, Meyer, Donovan, Anzaldo, Hancock

MOTION CARRIED: 5-0

DISCUSSION:

Ms. RoseMarie Horvath, City Law Department, stated that the Field Club Homeowners league is disputing (Case #10-113) the action taken by the board on October 21, 2010. She stated that on December 15, 2010, the City filed its response, regarding the TRP Case 310-043, in District Court.

ADJOURNMENT:

It was the consensus of the board to ADJOURN the meeting at 2:28 pm.

____________________________________________
Approved (date)

____________________________________________
Bert Hancock, Chair

____________________________________________
Claudia Moore, Secretary