



MINUTES OF THE ALABASTER
BOARD OF ZONING ADJUSTMENT
MEETING

TUESDAY, JANUARY 09, 2024 | 5:30 PM
COUNCIL CHAMBERS | 1953 MUNICIPAL WAY

I. CALL TO ORDER

Meeting called to order at 5:30 p.m.

II. ROLL CALL

Staff Present

Vanessa McGrath, City Planner

Kim Brothers, Planning and Zoning Coordinator

PRESENT

Place 1 Rayford Coleman

Place 3 Richard Mizell

Place 4 Wade Walker

Place 5 Tommy Ryals

Place 2 Jamia James

Supernumerary 1 Matt Penhale

III. APPROVAL OF MINUTES

Approval of December 12, 2023, BZA Minutes

Motion made by Place 5 Ryals, Seconded by Place 3 Mizell.

Voting Yea: Place 1 Coleman, Place 3 Mizell, Place 4 Walker, Place 5 Ryals, Place 2 James

Minutes approved as presented.

IV. OPENING STATEMENT

• **Regarding actions of the Board of Zoning Adjustment, Sec. 111-14(f) Appeals**

City of Alabaster Zoning Ordinance, Sec. 111-14(f) / Appeals from a Decision of the Board. Any party aggrieved by any decision of the Board of Adjustment may file an appeal with the Circuit Court within 15 days by filing written notice with the Board specifying the judgement or decision from which the appeal is taken.

- Variances and Special Exceptions granted by the Board of Zoning Adjustment shall expire 12 months from the date of Board approval unless a building permit is issued. Upon expiration the applicant must re-apply and will be subject to the current ordinances of the City

V. AGENDA ITEMS

1. VA-2023-0157 - Taco Bell and 7 Brew

Address: 9207 Hwy 119 & 9171-9187 Hwy 119

Owner: Daisy Hogue/Don Jr & Victoria Hogue

Applicant: Tacala LLC

PIN: 23 6 14 2 002 013.000 & 23 6 14 2 002 014.000

Zoning: B-3 (Community Business District) & State Route 119 Overlay

Request: Variance requests for State Route 119 Overlay requirements as follows:

1) Variance to Table 3.3 Maximum Front Building Setback - request 100 feet versus required 70 feet.

2) Variance to Parking Lot Lighting - request 20-foot light height versus required 14-foot height.

3) Variance to Table 3.3 Minimum % Glazing of street wall - request

a) Taco Bell - 20% glazing versus required 65%

b) 7 Brew - 27% glazing versus required 65%

4) Variance to Table 3.3 Minimum first floor height request

a) Taco Bell - 9'6" versus required 14 feet.

b) 7 Brew - 8'6" versus required 14 feet.

5) Section 111-225 (b) (1) street frontage will not meet the required 150 ft frontage to have a freestanding sign - request is to allow freestanding signs on each of the lots.

Ms. Vanessa McGrath reviewed the requests.

Mike Gray and Tim Minor were present to represent the request.

1) Variance to Table 3.3 Maximum Foot Building Set back is requesting 100 feet versus required 70 feet.

Mr. Gray stated the storm drain easement that is along State Route 119, and the topography are pushing the building back away from 119. The building to the right if looking at the property is farther back than that and the one to the left is closer so these will look in line.

2) Variance to Parking Lot Lighting - request 20-foot light height versus required 14-foot height.

Mr. Gray stated 14 ft. does not provide much lighting and would have to increase the number of poles.

3) Variance to Table 3.3 Minimum % Glazing of street wall - request

a) Taco Bell - 20% glazing versus required 65%

b) 7 Brew - 27% glazing versus required 65%

Mr. Gray said both buildings have 5 1/2-foot parapet wall above ceiling, and this would require them to have glass up into the parapet walls. They have screened in roof top units. And the 7Brew upper section is a mechanical access room. They have tried and cannot figure out a way for glazing due to those circumstances without having all the equipment visible.

4) Variance to Table 3.3 Minimum first Floor Height Request. Ms. McGrath stated there is a Building Height section on page 34 in the SR 119 overlay that states first floor height of 14' for buildings that exceed one story, and the table does not state that it just states minimum 1st floor height 14'. The request is:

a) Taco Bell - 9'6" versus required 14 feet.

b) 7 Brew – 8'6" versus required 14 feet.

Mr. Gray stated the way it reads if you have a second floor the first floor must be 14 ft. He understands that it's appropriate for this property due to visibility and eye level from the streets.

5) Section 111-225 (b) (1) street frontage will not meet the required 150 ft. frontage to have a freestanding sign - request is to allow a freestanding sign on each of the lots.

Mr. Gray stated that one aspect of this project is to get users into two different lots with 1 driveway. He spoke about the lots and configurations of the buildings and driveways.

Mr. Ryals asked if this has been subdivided. Ms. McGrath stated it has not, the first step is the Variances.

Public hearing was opened.

The public hearing was closed.

Mr. Walker asked for staff recommendation. Ms. McGrath reviewed her recommendation.

Mr. Walker brought it back to the board for further discussion.

Richard Mizell asked why there is a one-foot difference in heights of the buildings.

Mr. Gray explained the difference. Said it was basically a disguise on their part.

1) Motion to approve the 100 ft. setback versus the 70 ft. front setback.

Motion made by Coleman, Seconded by Ryals

Mr. Matt Penhale asked if both the supernumeraries are there who picks which one votes, since there are just four board members. Ms. McGrath stated they appointed Ms. Jamia a member so she will be voting tonight.

Voting Yea: James, Ryals, Coleman, Mizell and Walker

The Variance was approved.

2) Motion made to approve the request to increase the light height to 20 ft.

Motion made by Ryals, Seconded by Mizell

Voting Yea: Mizell, Coleman, Ryals, James and Walker

The Variance was approved.

3) Motion made to approve the Taco Bell glazing to 20% and the 7Brew to 27%

Motion made by Mizell, Seconded by James

Voting Yea: Coleman, Mizell, Ryals, James and Walker

The Variance was approved.

4) Motion made to approve number 4 the floor height to take the table from 3.3 minimum for Taco Bell to 9.6 versus the 14 ft. and 7Brew 8.6 versus the 14 Ft.

Motion made by James, Seconded by Coleman

Voting Yea: Coleman, James, Ryals, Mizell and Walker

The Variance was approved.

5) Motion made to allow freestanding signs on both lots.

Motion made by Ryals, Seconded by Mizell

Voting Yea: Mizell, Ryals, Coleman, James, and Walker

The Variance was approved.

2. VA-2023-0161 - 295 Fox Valley Farms Road

Address: 295 Fox Valley Farms Road

Owner: Steve & Melissa Cook

Applicant: Steve & Melissa Cook

PIN: 13 8 33 0 000 034.010

Zoning: E (Single-Family Estate Residential District)

Request: Section 111-45 (g) Variance to allow an accessory building in the side yard.

Mr. Walker asked if anyone was present to speak on the request.

Mr. Steve Cook was present to represent the request. Mr. Cook provided each member with an outline of what his plans are. Mr. Cook stated he had planned for this spot and saved up. Due to septic tank issues, it is not feasible to put the garage in the rear yard. He felt it was detrimental to neighbor and would be much better on the side. This will be a metal building on a concrete pad. The building will be a sandy brown roof and the roof will be aluminum and will match the house.

Mr. Wade Walker asked the size. Mr. Cook stated it will be 40 x 34 and across the front will be the three garage doors. The first two doors will be electrical third will be manual.

Mr. Wade asked if it will be next to the house. Mr. Cook stated it would be.

Mr. Richard Mizell asked how far off the house it would be. Mr. Cook stated it would be roughly 25 to 30 feet.

Ms. Jamia James asked if the neighbors were ok with the structure. Mr. Cook said yes. Mr. Ryals stated they should have showed up if they were not.

The Public Hearing was opened.

The Public Hearing was closed.

Ms. Vanessa McGrath recommended the variance.

Motion made due to the location of septic tank and sewer lines it does meet the requirement of a hardship. Approve as stated and listed.

Motion made by Coleman, Seconded by James

Voting Yea: Mizell, Coleman, Ryals, James and Walker

The Variance was approved.

VI. OTHER BUSINESS

3. The next regularly scheduled meeting date is February 13, 2023

VII. ADJOURN MEETING

Motion made by Place 5 Ryals, Seconded by Place 3 Mizell.

Voting Yea: Place 1 Coleman, Place 3 Mizell, Place 4 Walker, Place 5 Ryals, Place 2 James

Meeting was adjourned at 6:07 pm



Wade Walker, Chairman



Vanessa McGrath, Secretary