

The Board of Adjustments met Monday, April 17, 2023, at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Anil Vira, Chairman; Cathy Slagle, Vice-Chair; Frank Lamia; Donna Cook; Ryan Baker; Hunter Simmons, Planning and Zoning Director; Michelle Melton, City Planner; and Cindy Beaudreau, Planning Clerk.

Chairman Vira called the meeting to order at 5:00 PM.

**Approval of Minutes**

Ryan Baker made a motion to approve the minutes from the December 19, 2022, meeting.

Frank Lamia seconded the motion and the motion carried with the following vote:

Aye: Chairman Vira, Cathy Slagle, Frank Lamia, Ryan Baker, and Donna Cook.

Nay: None.

**Appointment of Board of Adjustments Secretary**

Cathy Slagle made a motion to appoint Cindy Beaudreau as the Board of Adjustments Secretary.

Donna Cook seconded the motion and motion carried with the following vote:

Aye: Chairman Vira, Cathy Slagle, Frank Lamia, Ryan Baker, and Donna Cook.

Nay: None.

**BOA 23.01 Public hearing to consider the request of the Owner, Virginia Davis Parr, for a 10.5' variance to the rear setback requirement for property zoned R-2, Medium Density Single-Family Residential District. The property is approximately 8,500 sq. ft. and is located at 610 N. Mobile Street. PPIN #: 32193**

Hunter Simmons, Planning and Zoning Director, presented the case summary, showed an aerial of the property, and the site plan at the intersection of N. Mobile Street and Pensacola Avenue. This is a triangle shaped lot that has a front and a rear setback of 35' with N. Mobile being the front and Pensacola being the rear. This request meets all the requirements of a hardship. The request would allow for a 24.5' setback along Pensacola Avenue. Staff recommends approval of this request.

Chris Miller, CMC Contracting Services LLC, spoke on behalf of the owner. There is an existing home that sits on 2 lots, and in order to build a house that makes sense, they need the additional 10.5'. There will be 1 home built on each lot.

Ryan Baker asked why the owner did not request a 20' variance instead of the 10.5' variance? Mr. Miller stated that the owner and the City came to a compromise. They asked for only the amount that is needed.

Mr. Simmons explained that the City wanted the street frontage along Pensacola to be a consideration and with a triangle lot when looking at 8' fences and accessory buildings, this was a good median that accommodated those things without creating future problems.

Ryan asked about whether this lot would allow 8' fences and Mr. Simmons answered yes.

**Recommendation:**

Staff recommends approval of Case BOA 23.01.

Chairman Vira opened the public hearing at 5:08pm. Having no one present to speak, the public hearing was closed at 5:08pm.

**Motion:**

Frank Lamia made a motion to approve Case BOA 23.01.

Cathy Slagle seconded the motion and the motion carried unanimously with the following vote:

Aye: Anil Vira, Cathy Slagle, Frank Lamia, Ryan Baker, and Donna Cook.

Nay: None.

**BOA 23.02 Public hearing to consider the request of the Applicant, RW LLC/David Ryan, acting on behalf of the owner, FST Magnolia Church LLC, for a use not provided for. The property is zoned B-2, General Business District. The property is approximately .52 acres and is located at 301 Magnolia Avenue. PPIN #: 15164**

Michelle Melton, City Planner, presented the case summary, showed an aerial of the property, and the site plan. This case falls under a use not provided for. The project is a mixed-use development with seven separate structures. There is a dedicated 1200 sq. ft. retail/commercial component on the first floor of the two structures facing Magnolia Ave with one residential unit occupying the second and third floor of each structure. The remaining five structures will be single family dwelling units. The applicants took great strides to preserve the trees. It will have one ingress/egress along Magnolia Avenue. Staff recommends approval of this request.

Hunter Simmons, Planning and Zoning Director, spoke about the uses and how they create a problem with the Zoning Ordinance. There are multiple single family homes within this project. There was discussion of having multiple lots with individual ownership, but this was not the best choice. The Zoning Ordinance was recently amended to require the ground floors to have a minimum of 50% commercial space in a mixed-use building. There is a benefit to having common ownership of the greenspace areas. The goal is to save all of the trees and a lot of effort went into designing this project to save the trees to create the greenspace on the corner. Multiple single-family homes located on one lot is not a use allowed 'by right'. This project is being brought to the Board of Adjustments as a use not provided for because we may see something like this in the future that we do not agree with. We would need to make sure a future project meets the checklists for the Comprehensive Plan, that it meets the intent of the neighborhood, and how it contributes to the CBD. Mr. Simmons explained the mixed-use aspects of the project and, if approved by the BOA, would still need to go to the Planning Commission for an MOP and site plan and then to City Council for approval. Because this is not a defined type of project, it gives the City a review

procedure if we see something like this in the future. This project meets what the City is trying to accomplish and is happy to see a developer address these issues.

David Ryan, 7068 Trout Brook Avenue, explained that the project is in the Central Business District. It is important to him to save all the trees. When looking at the site plans, he showed where all the trees are located and designed a greenspace where people can walk their dogs along with keeping the corner attractive. The units facing Magnolia have a commercial look with over 50% of the first floors being commercial with residential units above it. When looking at the project from Church, a look was designed that complimented the neighborhood and the buildings are built to accommodate the varying elevations. He explained how the driveway will be shared by the residents, but each resident will have two parking spaces and space for a golf cart. Mr. Ryan shared packets with each of the board members. Mr. Simmons explained that the height of each building was considered, and the models follow the slope of the land. This is not covered in the City regulations, but there have been projects like this that have been taken to the Planning Commission and this is how the regulation was interpreted.

Cathy Slagle asked about parking for the commercial area. Mr. Ryan explained that there will be parallel parking along Magnolia for visitors but no dedicated parking for the commercial tenants and one spot may be lost on Magnolia. Ms. Slagle was also concerned about trash pick up and fire rescue vehicles being able to access the shared drive. Mr. Ryan explained that the width of the drive would accommodate the garbage truck and there will be no garbage cans on Magnolia. There is not room for the fire rescue vehicles to go on the drive. Mr. Simmons explained that those issues would be addressed during the permitting phase.

Ms. Slagle asked about the sizes of the units. Mr. Ryan continued by explaining the sizes of the units: Buildings 1 and 2 will be 3600 sq ft, Building 3 will be 3200 sq ft, Building 4 and 5 will be 2800 sq ft, and buildings 6 and 7 will be 2300 sq ft. The project was designed to work to accommodate a variety of residents. The height of the buildings on Magnolia are 40' and the other buildings are 35'. Each unit will have a covered and uncovered patio area.

Chairman Vira asked if this project would be a condominium like development and would the landscaping be done commonly. Mr. Lamia asked if an HOA would maintain the exterior. Mr. Ryan explained that this would be a condominium like project with an HOA that would maintain the landscaping and the common drive, but the residents would be responsible for the exterior of their home and bound by the HOA requirements.

Chairman Vira opened the public hearing at 5:38pm.

James Reid, 22757 Ecor Rouge Lane, explained that his property has a 13' drop in elevation and that Mr. Ryan had done a good job in designing the project so that it is attractive even with the elevation changes. He has no objections to the project.

Eugenia McCown, 52 N. Church Street, believes this is a beautiful project, a wonderful addition to the community and approves of the project. She also said she appreciated the tree preservation because she looks right at it.

The public hearing was closed at 5:40pm.

Ryan Baker also stated that this is a beautiful project. Mr. Baker also has the same concerns about the trash and fire rescue vehicles but believes a solution can be found to address those issues.

**Motion:**

Cathy Slagle made a motion to approve Case BOA 23.02 for the mixed-use development at 301 Magnolia Avenue.

Frank Lamia seconded the motion and the motion carried unanimously with the following vote:

Aye: Anil Vira, Cathy Slagle, Frank Lamia, Ryan Baker, and Donna Cook.

Nay: None.

**Old/New Business**

Chairman Vira asked if there were any items for the next meeting. Mr. Simmons answered that there are two items.

**Adjournment**

Ryan Baker made a motion to adjourn.

Donna Cook seconded the motion and the motion carried unanimously with the following vote:

Aye: Anil Vira, Cathy Slagle, Frank Lamia, Ryan Baker, and Donna Cook.

Nay: None.

Adjourned at 5:42 p.m.

Anil K Vira  
Anil Vira, Chairman

Cindy Beaudreau  
Cindy Beaudreau, Secretary