



MEETING MINUTES

Board of Appeals

Thursday, August 14, 2014

4:00 PM

City Hall, 200 Rusk Street, Council Chambers

Members Present: Emmanuel Albarado, Buster Bezner, Tim Camp, Jess Cason, Don Hawkins
Members Absent: Lynn Sanches, Van Knight
Staff Present: Linda Ames, Julia Smith
Visitors Present: Stan Love, Glenn Sessoms
Chair: Don Hawkins

Item 1 - Declaration of Quorum

With a quorum present, Chair Hawkins called the meeting to order at 4:00 pm.

Item 2 - Approval of Minutes

Chair Hawkins asked for a motion to approve the minutes from the June 26, 2014, meeting. Board Member Cason so moved and Board Member Bezner seconded the motion. All present voted AYE. Motion carried unanimously.

Item 3 - Variance

To hear and take action on an application for a variance from the City of Gainesville's Code of Ordinances regarding the ten-foot, side-yard setback requirement required for a building located in the Central Area Zoning District. The proposed building will be located at 401 West California. Submitted by Jamie Tran (Stan Love, Architect and Agent). Case number BOA 14-3 (ZVR 2388575).

Chair Hawkins any representative for the property at 401 West California to speak.

Stan Love, Architect and Agent representing Jamie Tran for 401 West California, explained the basis for the variance from the set-back request. He explained that the applicant had already requested and received from the Planning and Zoning Commission and City Council a rezone from General Commercial (C-2) to Central Area (CA). The applicant's desire for the rezone is based on her intention to become a part of and extend the existing Historical Downtown. The planned project is for a mixed use development (retail and a loft apartment).

However, the lot is very narrow - only 50 feet wide by 150 feet long. So in order to develop the narrow lot, we are challenged by the required setback for CA zoning of 10 feet for the side yard (along the west edge of the parcel). Ironically, in the previous zoning for C-2, the side-yard setback is only 8 feet. Given that the CA district includes buildings that share walls, the 10-foot requirement is a little surprising. We do appreciate the fact that the setback from the street, in this case California, is less in the CA district which allows us to move closer to the street. Our parking requirement, in order to meet the requirements of the city ordinances for mixed use, is 200 square feet to one space. We will locate parking on site on the east side of the building and in the rear. We are planning for two different retail

uses of the building: the front section will host a nail and beauty salon while the rear section will contain a French bakery. Above the bakery, we plan to build a loft apartment.

In order to meet the parking requirements for these mixed uses, we need 20 feet along Weaver. Given the 50-foot wide lot, we developed a very narrow design that just fits if we are able to obtain a variance to the side lot set-back. The lot on the side we need the variance (to the west) is used as parking for a dental office. We respectfully request the Board of Adjustments allow us to relax the side yard set-back from ten feet to five feet. We do not think this is in opposition to current downtown use; it is not unusual for buildings in the downtown area to share walls so that the properties and their buildings are immediately adjacent and touching. The variance in this case allows us head-in parking off of Weaver.

Board Member Albarado asked Mr. Love to identify the lot in question on a zoning map.

Mr. Love showed the width (50 feet) and depth (150 feet).

Board Member Albarado asked Mr. Love to confirm that the reduction in setback will be next to the empty lot on to the west.

Mr. Love said that yes, it is next to the empty lot. Five feet still provides a nice buffer between the two properties. We have also designed an outdoor court yard between the two buildings to tie them together. This variance gives us just enough room to make this design work.

Board Member Albarado asked whether the other setbacks on the other three sides would be ten feet.

Mr. Love explained that the building would actually be 15 feet off of California. On the Weaver side, we need the parking, so there were a little more than 20 feet off the property line. In the rear we are setting even further - about 20 feet. Parking is such an important piece.

Board Member Albarado asked staff what the rationale was for a ten-foot side yard set-back in the CA district.

Community Services Director Smith observed that she did not know given the side-by-side nature of downtown buildings, especially those located on the square. She explained that the Planning and Zoning Commission was currently reviewing the zoning districts downtown and along major corridors and may be reviewing the setbacks (including this one) as well.

Board Member Albarado asked staff whether there were any related safety concerns.

CSD Smith responded that staff did not have any safety concerns and supported the applicant's request.

Chair Hawkins asked whether anyone was present that would like to speak in opposition of the variance request.

Glenn Sessoms introduced himself as a nearby business owner. He observed that the lot was purchased recently, and its dimensions have not changed. He described that part of town as rather tight with small streets and lots of traffic. If the Commission or Board is looking at changing the setbacks in the future, they should consider making them larger, not smaller. Also, if they are considering changing them, the Board may want to wait before making any changes to see what those recommendations may be. Also, parking will be difficult for this development. They will try to maximize parking to the greatest extent and also will be adding more traffic to that tiny intersection. We have to use that on a regular basis to move vehicles in and out of our property as part of our business from the back, and this will make it more difficult.

Chair Hawkins asked where Mr. Sessoms' business was located.

Board Member Bezner answered it was in the next building over. He then asked whether the alley to the north was a designated alley or private property.

CSD Smith answered that she was fairly confident it was a designated alley.

Board Member Bezner asked Mr. Sessoms if his concern was that with a new business on that corner it will make it more difficult for him to make a right hand turn off of Weaver Street to California.

Mr. Sessoms answered that at Throckmorton or Weaver there is no light, and you have to sit there a long time in order to turn.

Board Member Albarado said he did not understand how the setbacks were going to affect traffic.

Mr. Sessoms suggested that if they maximize their parking (which they can do with the setback variance), they will increase traffic.

Chair Hawkins suggested Mr. Sessoms was looking at it in the wrong light. On this narrow 50-foot lot, they need a five-foot set-back along the side (in the back of the building), instead of ten feet. I can't see your point tying maximizing parking impacts traffic.

Board Member Albarado commented that Mr. Sessoms seemed to be saying the bigger the parking the bigger the traffic. He then asked if there was a plan for a drive through and whether there was on-street parking on Weaver.

Board Member Bezner said no.

Mr. Love explained that there was no on-street parking planned. The most difficult challenge for designing the building on a 50-foot lot is that a good one-third of the lot is required for parking.

Board Member Albarado asked how many parking spaces were planned.

Mr. Love said along Weaver there are 14 parking spaces and there are four in the back along the alley. The front of the building embraces the street and has no parking spaces. It is designed to for pedestrian traffic.

Chair Hawkins said he would entertain a motion to grant a variance of five feet for the side yard set-back along the western edge of the property. Board Member Cason so moved; Board Member Camp seconded the motion. All present voted AYE. Motion carried unanimously.

Item 4 – Adjourn

Chair Hawkins stated he would entertain a motion to adjourn. Board Member Cason so moved; Board Member Camp seconded the motion. All present voted AYE. Motion carried unanimously.

The meeting adjourned at 4:20pm

Signature of Chairman: _____ Date: 11-6-2014
Signature of Secretary: Linda May Ames Date: 11-6-14