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The City of Pelham Zoning Board of Adjustment held a public hearing at 8:00 A.M. **Friday February 27, 2009** at Pelham City Hall, 3162 Pelham Parkway. The meeting was held in the conference room located in the lower level of city hall. The purpose of the meeting was to consider a variance from the terms of the City of Pelham Zoning Ordinance as follows:

Variance from the terms of the zoning ordinance to allow a 6 foot front (side) setback in lieu of the required 50 foot setback (Article XXIV- Supplementary Regulations and Modifications, Section 6 – Front Yard Modifications, #4).

Property located on Cahaba Valley Parkway North.

Applicant: Maxus Construction Company for LA Z BOY.

Meeting called to order by Chairman Paul Perry at 8:05 A.M. Members present were: Paul Perry, Mike Morgan, Fire Chief Danny Endress, Russell Biciste, Joe O'Brien, Michael Kelley and Bob Miller, Building Official. Lamar Phillips with Maxus Construction, Gregg Rogers with Form Design, Mark Richey, attorney/representative for Baptist Health Systems, and Jeffrey Rehousky with Amerisourcebergen were present also.

Mr. Rogers presented the request. He stated they have been working and planning on this project since 2006 and that the project has been on hold for 1 1/2 years. The City of Pelham Zoning Ordinance changed in 2007 and the front setback requirements for corner front side setback changed from 0 front setback to 50 foot required setback. The city of Pelham built a road on the undeveloped ROW on the north side of the property creating a front yard making original plan in conflict with 2007 Zoning Ordinance.

Mark Richey and Jeffrey Rehousky had questions concerning issues with drainage. Mr. Rogers stated there is a drainage easement in the center of road north to south and a detention pond is on the La Z Boy lot at south end of the building. Mr. Rogers showed the site drainage plans and the route water would flow picking up water from Baptist Health Systems area and traveling to the detention pond.

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Mr. Richey and Mr. Rehousky voiced concerns with the grade of the road with trucks deliveries to the docks and the grade of the hill with fast traffic in this area.

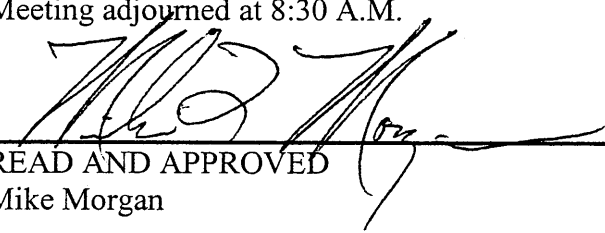
Mr. Rogers stated the road is the highest point and that 14 feet of this 27 feet high building will be underground. Mr. Morgan stated with the limited line of site distance in front of Amerisourcebergen where Cahaba Valley Parkway curves (southbound) and intersects with the new road, he would advise the police chief and city engineer to evaluate this intersection for a three-way stop sign intersection. Jeffery Rehousky also complained of speeders in this area and Mr. Morgan advised he would make the police chief aware of the complaint for enforcement measures. Mr. Morgan stated this warehouse location is for storage and pickup only if the merchandise is not available for pickup at the retail store.

A meeting had been held with Bill Wendle with Maxus Construction, Mike Morgan, Jesse Jowers, City Engineer, Bob Miller, Building Official, and Fire Marshall Ricky King on February 13, 2009 at 9:00 A.M. to discuss this request and all agreed the variance would not create any problems for the city engineer, fire marshal or building official's areas of expertise. Bill Wendle stated there would be ample space for the trucks coming in and going out.

Joe O'Brien asked how landscaping would be done if building is submerged 14 feet. Mr. Rogers showed landscape plans showing plants around building and detention pond.

Joe O'Brien moved to grant variance as requested. Russell Biciste seconded the motion and all approved.

Meeting adjourned at 8:30 A.M.



READ AND APPROVED
Mike Morgan