



ZONING BOARD OF ADJUSTMENT MEETING

April 26, 2022

Meeting called to order by Chairman Joe O'Brien at 7:42 A.M.

Members present were: Joe O'Brien, Mike Harris, Mike Kelley and Joe Schifano. Building Official Levis Peters, Fire Marshal Wes Greene and acting City Engineer, Andrew Golden was also present.

The following request was presented:

Applicant: Live Nation Worldwide Inc

Location: 1000 Amphitheater Rd

Variance request: The project consists of installing utility power terminals/quick connects for tour buses to utilize during events. These power connections will be located in the Special Flood Hazard Area. The variance request consists of not flood proofing the power connections (by elevating 1' above BFE) because in doing so they would not be reachable.

Jesse Mizzell, General Manager, presented the request stating she recently moved over here from their Atlanta division to take care of their Oak Mountain Amphitheater. Shortly after she got her, as you all know, she is starting to call it a hurricane instead of a flood over on 119, into their property and 31. We are requesting a variance on the construction to install electrical that was ripped out from the flood, so they are putting back something that was existing. Ms. Mizzell went on to tell the board members they have made improvements such as raising it and anything other than what they have done is just not feasible for the existing location for operations. Al Wilson with Pentoir Construction adds it would be cost prohibited to raise everything above the floodplain. Mike Kelley asks, when you say raising it are you talking about raising the ground or raising the electrical. Mr. Wilson responds stating if you raise the ground it would put more water on everybody else and raising the electrical what we have is peddle stools for RV hookups and if you raise those up you could reach flooding in the RV's and tour busses. Ms. Mizzell expressed this electrical service is only for tour bus hook up and again we are putting back what was there, what was existing to power eight busses for the back stage lot. Mr. Kelley asked if the city had an opinion. Building Official, Levis Peters, told the board the city is okay with it. It would have to be approximately eight feet above and it is actually better now than it was before.

Joe Schifano added knowing that it is in the flood have there been any additional safeguards put on it where it will go out of service if the water level goes up or anything along those lines. Absolutely, Ms. Mizzell answered. They have had other mitigation things installed, equipment installed, on the facility. They have put in a very large effort into making this situation better. This was between a 100 and 500 year flood event and the percentages of a 500 year flood event ever happening at that location again by FEMA standards and EMA and local Birmingham Weather Center they said would be about once every 10 years would be the percentage of that every happening again to that level. Ms. Mizzell went on to add, looking at the history records of the last 20 years or so we've gotten close to that 100 year flood and everything we have done has been raised above that level. There is just no way to get above that 500 year flood level. We plan to continue to make improvements to this facility over the next few years to update the entire facility. Mike Kelley wasn't sure that Mr. Mizzell answered Mr. Schifano's question about the safeguards. Fire Marshal, Wes Greene, said for example shunt protectors to cut it off. Jesse said they went over it but would have to get with the electrician but that is electrical code. Any new service that is put in is up to code. What was existing before that, Ms. Mizzell said, she cannot speak for that she wasn't here. Mike Harris asked the questions, so this isn't a variance for the standard National Electrical Code, is it. All answered, no. So it will meet the code, Mr. Harris said. Correct, Ms. Mizzell stated. For clarification, Mike Kelley added so it meets the code it just doesn't meet the floodplain. Andrew Golden, Acting City Engineer, added the variance is a deviation from the city's floodplain damage prevention ordinance and essentially what that ordinance says is if you are going to develop in a floodplain then you have to protect whatever you are building, you have to flood proof it. So that is elevating it in some form or fashion and then you could get into some potential conflicts if you just raise a disconnect switch 8ft up on a pole, well now you are violating National Electrical Code because now it is not in arms reach, then you could build a platform but the more you add into the floodplain the less beneficial that is for the actual flood plain. You are just adding more stuff there that can get washed away because it's not a matter of if is going to flood again, it's a matter of when. Mr. Golden expressed this to the Amphitheater some of the reason we would like to bring this before the board to at least have a record of when this does get damaged potentially that we all are under the same understanding that this is 6,7,8 feet under the 100 year floodplain. That is not the actual electrical gear but that is ground elevation. Joe O'Brien added the power to the peddle stools is only on if there is a show, is that correct? Ms. Mizzell answered that is correct, so that disconnect that we are speaking of that is raised 76 inches above the ground from previous service, so the power is ran underground and up into these peddle stools and these peddle stools are marine grade on the docks down in the ocean and can be submerged in water. So they also have a backup if for some reason the new service is to fail then these are the next back up before it gets to anything else.

Joe Schifano made the motion to approve the variance request for installing the utility terminals and quick connects below the flood elevation. Mike Harris seconded the motion and all approved. Variance was granted. Joe O'Brien abstained from the vote.

With no other business to come before the board Joe O'Brien asked for a motion to adjourn. Joe O'Brien made the motion to adjourn. Joe Schifano seconded the motion.

The meeting was adjourned at 7:54 AM.

Levis Peters 05.24.22

READ AND APPROVED / Levis Peters, Building Official

Respectfully submitted,

Kelsey Cunningham

Secretary