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Development Services
& Public Works
205.620.6411

ZONING BOARD OF ADJUSTMENT AND APPEALS
MEETING MINUTES
July 21, 2025
1:00 P.M.

Meeting called to order at 1:03pm.

Members present were: Jeff Hulon, Andy Burell and Stephanie Pryor.

The following City Representatives were also present: Building Official Levis Peters, Fire Marshal Wes Greene, Deputy Director of DSPW/City Engineer Michael Eddington, Municipal Consultants Engineer Chris Cousins.

The following request was presented:

Adjustment/Appeal Request: We are requesting a variance from the Board of Adjustments and Appeals for the proposed finished floor elevation of the concession and restrooms for the Pelham Sports Park project to be above the 100-year flood elevation but below the one foot above the base flood elevation.

Section of the ordinance from which the variance is being requested: Ord. No. 070-06, Art. 4, § B, 1-22-24

Applicant: Gonzalez-Strength & Associates, Inc

Deputy Director of DSPW/City Engineer, Michael Eddington, presented the request as this is a city project stating we have one item on the agenda today and that is a variance to the requirement in the floodplain ordinance for new construction to be one foot above base flood elevation. We are doing a renovation to the Pelham ball field #2, making it a multi-use field and part of that we are replacing the concession stand. We are going to end up with two buildings, one for the concession stand and one for the bathrooms in the same location as the existing concession stand in the middle of the ball fields. To get those buildings to work with ADA and FEMA, the buildings must match the floor elevation to the existing structures and fields that are already there in a very limited space. We are able to set the finish floor elevation above the base flood elevation but not one foot, so we are looking at a variance to that requirement. Most of that area there, on your map, is out of the floodplain but again there is a little bit of it that is in the floodplain. The floor elevations are above base flood but not that one foot. Mark Gonzalez with Gonzalez-Strength & Associates, Inc has extrapolated between the contours on the flood map and come up with 437.72 as the base flood at that location and the floor elevation for the concession stand is 438 and for the bathrooms is 438.2 so we would only be about four inches above base flood on one and about five inches above on the other. The existing building is at 438.2, the same as the bathrooms. As far as the National Flood Insurance Program, they require one foot elevation above, it is required for residential properties but not for commercial. For commercial properties, if you are not the one foot above the flood elevation you can use flood resistant materials or floodproof the building. We don't this it's necessary to floodproof the building which would require sealed doors or floodproof doors and such because the use of the facility is just going to be occupied during events and weekends so during a flood event the likelihood of this

being occupied is very small. The construction is concrete slab construction for the floor, concrete block for the walls, there are concrete blocks filled with concrete and reinforced so it's not going to be prone to damage of velocity or flood in that matter. The other reason for elevating the floor one foot above is for insurance to reduce the likelihood of an insurance claim is really what the flood rates are all about. This being a city facility and ancillary structure it is not going to have insurance. The city will be self-insured so there is not a likelihood of us posting a claim for damages. There will be some storage of food, drinks and candy, things like that in the concession stand but all will be stored more than the one foot above the flood as well as the electrical fixtures and plumbing fixtures, etc. That is our reasoning for this request, if you have any questions our civil consultant is here, Gonzalez-Strength & Associates, Inc., building official and fire marshal are here as well. John Williams with GSA spoke to say he believes Michael hit all the high points and stated if there are any questions on why they can't raise it, it is because the ADA access, we don't want to compromise ADA minimums for the building. We are staying above the base flood elevation, just not that one foot. We are going to take all the precautions we can to prevent the building from being hurt or affected by any floods by keeping all equipment a foot off or higher. He spoke to the architect this morning and they talked about two feet above BFE. John reiterated, they are going to take all the precautions they can to protect the building. Board member Andy Burell pointed to the map and asked what the flood base was for a specific area. Michael Eddington responded saying it is 437.72. Mark Gonzalez added they actually calculated the concession stand at 437.70 and for the public restrooms at 437.75. What happens is the old building was built in the center of this block, pointing to the map, and none of this touched the original building. It was not subject to 100-year flood regulations. Now if you redo it, we create the outside of the pavilion seating area and we add the restrooms and we add the concessions it's pushing where it just touches the floodplain and as soon as it touches it then we must comply. Mike Eddington expressed that the city's floodplain ordinance allows for a variance and it does say that a variance shall only be issued when there is a finding of good and sufficient cause and determination that failure to grant the variance would result in the exceptional hardship and a determination that the granting of a variance will not result in increase flood heights, which filling in a floodplain will not do. Additional threats to public safety, which there are none. Extortionary public expense creates a nuisance, causes fraud or victimization of public or conflict with the existing local laws and ordinances. Board member, Stephanie Pryor, asked where Michael was reading that from. Michael responded he was in the floodplain elements on page 30, article 5. Michael also stated in the National Flood Insurance Plan on page 39 it says, "How High?", the minimum NFIP requirements to floodproof a building to the BFE however when it is rated for flood insurance one foot is subtracted from the floodproofed elevation therefore the building has to be floodproofed at one foot above BFE to receive the same favorable insurance rate as a building elevated to the BFE. They are subtracting out a foot from your floor elevation down to the level that you should be floodproofed and that's where the requirement to make everything one foot above to make sure that the insurance rates are acceptable and as we stated this isn't going to have insurance. In the past we have denied several people that have come in and requested because of it affecting the overall flood insurance with the whole city, Andy Burell stated. What is this effect? Michael answered as since this is not going to be insured there won't be a claim based on this, so it won't raise folks' rates. Andy also asked what about the utilities? Michael responded that we will be putting the electrical outlets and such at that one-foot elevation. How do you propose to do the sanitary? Mr. Burell asked. Michael said the commode will be above the one foot so that no flood water can get in the system. Stephanie added, but you will have floor drains in the bathrooms and in the kitchen areas. Michael asked Mark Gonzalez how are we covering those. Mark Gonzalez expressed that the floor drains are at finished floor elevation, he believes the commodes will be above. Michael added we had talked about covering the floor drains so that the flood water couldn't get in there. Andy asked to verify what the existing building height is at. Michael

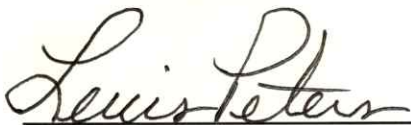
stated it is 438.2. John Williams with Gonzalez Strength & Associates Inc added we are matching the exact same conditions now as the building that is already out there and there are floor drains in it, we are not making it worse. Stephanie added except they are not in the floodplain. Yes, that's right, said John Williams. Andy Burell pointed to the map and asked if the red lines on this map are copied from the federal flood map or did you actually go out and shoot elevation. Yes, that's based from FEMA maps, John said. John continued to say we have the calculated BFE, we took this line across there, pointing to the map, which is from FEMA maps they have their calculated base flood elevations, we took that distance from there to both corners of the building and calculated that distance and that's how we came up with our BFE. Andy Burell asked if there were any other questions. Stephanie asked so what we are seeing, this has this structure and approving this would have no bearing on the city FEMA insurance program. It will not, Mark Gonzalez answered. Raising floor elevation four to six inches would put you at that one foot, is that correct? Stephanie said. John responded basically that calculated BFE then add a foot to it so for the proposed restrooms you would need to be at 438.75 and the proposed concessions would need to be at 438.7. So, nine inches for concessions, Stephanie said. Right, John said, and considering ADA access the minimums you'd have to keep, it would put us above that so we would wind up having to raise all the existing buildings. Mark added that with all the batting cages, the existing facilities that they have tied into would end up having to be taken down, more than likely so they could maintain ADA standards. When we start running that grade out it's going to run out over here, pointing to the map, so those bleachers would have to go away, these bleachers would have to go away too. These four areas would all start changing. By raising this up, 9, 7 or 8 inches, it will have to bleed out over here and to do that we will have to tear these 4 areas out and redo them. Stephanie asked if the existing building would be remaining. Michael answered it is not; it will be torn down. Andy Burell asked what would be done for a press box. Michael answered for the new field they are putting tables and tents for the scorekeepers and such on the elevated platform as far as the other field, he's unsure operation wise. Is this design intended to tie into the existing utilities, Stephanie asked. Mark said we are using all existing utilities. Does the floor drain in the building tie back to the sanitary sewer, Andy asked to verify. Mark responded, yes. So, if you flood out, you're going to flood out where the creek is going to be, Andy remarked.

Andy Burell made the motion to grant the adjustment/appeal based off Ordinance No. 070-06 page 13, Section B "Specific Technical Standards", Paragraph 2 "Non-Residential Structures".

Stephanie Pryor seconded the motion and all approved. Adjustment/appeal was granted.

With no other business to come before the board Stephanie Pryor asked for a motion to adjourn. Jeff Hulon made the motion to adjourn. Andy Burell seconded the motion.

The meeting was adjourned at 1:26 PM.



READ AND APPROVED / Lewis Peters, Building Official

Respectfully submitted,
Kelsey Cunningham