

The City of Fairhope Board of Adjustments and Appeals held a Special Meeting on Tuesday, December 8, 2009 at 5:00 PM in the City Council Chambers at the City Administration Building, located at 161 N. Section Street.

Members Present: Chairman Bob Mannich; Vice Chair Cathy Slagle; Suzanne Winston; Stan Grubin; Jonathan Smith, Director of Planning & Building; and Emily Boyett, Secretary. Absent: Anil Vira

The meeting was called to order at 5:00 PM by Chairman Mannich.

ZBA 09.05 Request of Rick Gambino for a Special Use Permit for a Coffee House (Restaurant) use in the B-3A zoning district. The property is located on the east side of South Mobile Street, just north of Fels Avenue at 151 South Mobile Street.

Jonathan Smith, Planning and Building Director, came forward and gave the Staff Interpretation.

STAFF INTERPRETATION: The subject property is zoned B-3A (Tourist Resort Lodging District). In the B-3A zoning district a Coffee House (Restaurant) is “permitted only on appeal and subject to special conditions”, according to Article III, Table 3-1: Use Table. Therefore, the Board of Adjustment must hear the proposed use and decide if the use is compatible and in character with the surrounding area.

The applicant plans on converting the existing single family home on the property into a coffee house.

Staff feels that the proposed use is not contrary to the intentions of the Zoning Ordinance or Comprehensive Plan, although the conceptual site plan provided by the applicant does not appear to be in compliance with the City’s Zoning Ordinance parking space area and dimensional requirements and one way drive aisle width requirements.

If the Board approves the use requested, the applicant will be required to meet all Zoning Ordinance and Tree Ordinance site design standards.

STAFF RECOMMENDATION: Staff recommends the Board of Adjustment approve the proposed Coffee House use for the property contingent upon the following condition:

1. Prior to the issuance of a building permit, the proposed coffee house shall be in compliance with all applicable City regulations, including but not limited to the Zoning Ordinance and Tree Ordinance.

Chairman Mannich opened the public hearing. Rick Gambino, the applicant, addressed the Board saying he received a copy of all the letters written to the Board and the complaints where to not rezone the property. He stated that the property is already zoned B-3A. Mr. Gambino said he wants a coffee house to cater to the walkers and bicyclers.

He added that it is not going to be a big operation, but something unique and different. He plans to offer coffee, cupcakes, frozen yogurt and hotdogs. Cindy McBrearty, 6 and 8 Fels Avenue, spoke against the request due to pedestrian safety, traffic and parking issues. She stated this zoning is for short-term rentals, bed and breakfasts, and other residential uses, not for commercial uses. David Jones, 10 Fels Avenue, asked what the long term use of the property would be and if it could ever become a restaurant. He added that he does not want it to be a restaurant and bar with loud music. Ann Stiers, 15 Fels Avenue, said she sent a letter in opposition of this request because this is a quaint neighborhood and does not want commercial to come in. Having no further comments, Chairman Mannich closed the public hearing. The Board discussed issues with traffic, parking, lighting, noise, hours of operation, and long term uses. Mr. Gambino said he will be renovating the existing building to keep the quaint look of Fairhope and to blend in with the neighborhood. Mr. Smith explained that Mr. Gambino must meet all of the City's ordinances and regulations for this site. The City staff will conduct a site plan review which will verify compliance with those ordinances and regulations such as parking, landscaping, lighting and access. He added that the Board may also impose any conditions they see fit such as limiting the hours of operation, menu, or no music. Mr. Gambino stated he may not be able to meet all of the requirements, but he would like for the Board to give him the chance to try. Cathy Slagle moved to accept the staff recommendation to approve the request with the following three conditions 1) the applicant have a limited menu 2) no music is allowed on the site and 3) the applicant must comply with all City ordinances and regulations. Suzanne Winston 2nd the motion and the motion passed unanimously.

Having no further business, Stan Grubin made a motion to adjourn. Cathy Slagle 2nd the motion. Motion carried unanimously. The meeting was adjourned at 5:35 pm.