



The Board of Zoning Adjustment

Of the City of Alabaster, Alabama

Owner: CFT Developments, LLC Property: 245 South Colonial Drive Lot 7, Map Book 38, Map Page 119 Parcel ID Number: 23-1-12-0-000-024.002	CASE NUMBER: VA 2014-07
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CERTIFICATION OF VARIANCE

Petitioner/Owner: Panda Restaurant Group

Zoning Ordinance: Article V, Section 8.0, C: Except as regulated elsewhere in this section, uncovered patios, terraces, walkways and porches, which do not extend more than three (3) feet above grade, may project into a required yard, provided such projections are not closer than twenty-five (25) feet from the front lot line, six (6) feet from the side lot line, and eight (8) feet from the rear lot line. No such structure may extend into a public easement or right-of-way.

Hardship: The City code allows for a patio to be located in the front yard area; however it restricts the use of an umbrella over such patio. We feel that this constitutes a hardship because it restricts the use of the patio and the full enjoyment of the outdoor dining experience by subjecting the patrons to the elements. Furthermore, we feel that the precedent has already been set to allow structures much larger and obtrusive in the front yard area such as freestanding signs, utility poles, etc. Granting of this variance will not confer any special privileges to the applicant. It will only allow Panda Express to provide their patrons with the dining experience to which they are accustomed. If the variance is granted, the Site will still be in harmony with the other uses in the development. The inclusion of the umbrella in the patio area will complement a development of this caliber as well as the surrounding community.

The City of Alabaster Board of Zoning Adjustment held a public hearing on **July 28, 2014** concerning a request for an Umbrella Encroachment Variance for Lot 7 of Colonial Promenade Alabaster as recorded in Map Book 38, Page 119. Hardship having been found, the Board of Zoning Adjustment hereby approves relief from the literal enforcement of Article V, Section 8.0, C of the City of Alabaster's Zoning Ordinance to allow the encroachment of 12' into the 50' front yard with an umbrella over the proposed patio seating.

The Chairman or Chairman Pro Tempore to execute the final approval thereof on behalf of the Board of Zoning Adjustment.

Done this the 28th day of July, 2014.



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Richard Olive, Chairman
Board of Zoning Adjustment

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Panda Restaurant Group, for Petitioner

ATTEST:

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Emmitt Stallworth, Building Official

