

BOARD OF ZONING ADJUSTMENT

Results AGENDA

July 6, 2020 - 2:00 P.M.

Streamed online

I. CALL TO ORDER:

Chairman William Guess

II. ROLL CALL

	William L. Guess, Chairman
	Sanford Davis, Vice-Chairman
x	Vernon Coleman
x	Lewis Golden
x	Adam Metcalfe
x	Jeremy B. Milling
x	John Burroughs

Staff: Doug Anderson, Margaret Pappas, Bert Hoffman, Shameika Lee and John Strope.

Establishment of chairman.

- Due to absence of the Chair and Vice-Chair, Board members selected an Acting Chairman.
 - Adam Metcalfe nominated Jeremy Milling, which was seconded by Lewis Golden. Motion Approved.

III. ADOPTION OF THE AGENDA:

Motion to adopt by Lewis Golden. Second by Vernon Coleman. Adopted.

IV. HOLDOVERS:

1. #6322

(Case #BOA-001250-2020)

G. Allen Garstecki, Jr. and Kara M. Garstecki

206 Carmel Drive East

(East side of Carmel Drive East, 170'± North of the intersection of Carmel Drive East and Bexley Lane).

Setback Variance to allow construction of a covered patio within the required rear

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yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance requires an 8' rear yard setback for structures in an R-1, Single-Family Residential District.

Council District 7

Motion to Holdover by Vernon Coleman. Second by Lewis Golden. Holdover to August meeting approved.

After discussion, the Board approved the applicant's request to holdover the case until the August meeting.

2. #6327
(Case #BOA-001276-2020)

Don Williams

3600 Springhill Memorial Drive North

(Northwest corner of Springhill Memorial Drive North and West I-65 Service Road South).

Front Yard and Side Street Yard Setback Variances to allow the construction of an eight (8) foot high metal picket fence within the required front yard and side street side yard setbacks in a B-3, Community Business District; the Zoning Ordinance limits fences within a required front yard setback and side street side yard setback to a maximum height of three (3) feet in a B-3, Community Business District.

Council District 5

Motion to Approve amended fence request by Adam Metcalfe. Second by John Burroughs. Approved.

After discussion, the Board determined the following findings of fact for Approval of the amended request (7-foot high fence in the front yard setback):

- 1) The variance will not be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

V. PUBLIC HEARINGS:

3. #6328/6270/5653
(Case #BOA-001286-2020)
Marine Rigging, Inc. (Gary Cowles, Agent)

500 & 552 Beaugard Street

(Northwest corner of Beaugard Street and North Lawrence Street).

Use, Access/Maneuvering and Tree Planting Variances to allow tension testing and research of marine rigging components, vehicular access/maneuvering area within the public right-of-way, and reduced tree plantings for a commercial site in a B-4, General Business District; the Zoning Ordinance does not allow a laboratory for

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testing or research in a B-4, General Business District, requires all access/maneuvering areas to be on-site, and full compliance with all tree planting requirements for a commercial site.

Council District 2

Motion to Approve by Vernon Coleman. Second by Lewis Golden. Approved.

After discussion, the Board determined the following findings of fact for Approval of the Use, Access/Maneuvering and Tree Planting Variance requests:

- 1) Approving the variances will not be contrary to the public interest in that the use would be a continuation of the previously-approved Use Variance, and the Access/Maneuvering and Tree Planting requests are necessitated by a proposed City project and not the applicant's initiatives;
- 2) Special conditions were illustrated such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the use will not change, traffic within the right-of-way will not be adversely affected, and tree bank donations can be utilized elsewhere in the City.

The approval is subject to the following conditions:

- 1) donation of \$1,600 to the Mobile Tree Commission to mitigate the shortage of eight (8) overstory trees at \$200.00 per tree; and
- 2) full compliance with all other municipal codes and ordinances.

4. #6329
(Case #BOA-001289-2020)

Debra and Roy Isbell
910 Government Street

(North side of Government Street, 266'± West of South Broad Street).

Sign Variance to allow the placement of a double-sided, hanging post sign not exceeding six (6) square feet per side for an associated home occupation in an R-B, Residence-Business District; the Zoning Ordinance limits home occupations to a wall sign not to exceed one (1) square foot in area in an R-B, Residence-Business District.

Council District 2

Motion to Approve by Adam Metcalfe. Second by Vernon Coleman. Approved.

After discussion, the Board determined the following findings of fact for Approval:

- 1) Approving the variance request will not be contrary to the public interest due to the fact that it will allow a fair opportunity for location identification and would be harmonious with the neighborhood;

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- 2) Special conditions appear to exist, primarily the trees and vegetation within the right-of-way in front of the subject site, and the general massing of the residence, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that it will allow a business public street visibility which would ordinarily not be possible under existing conditions.

The approval is subject to the following conditions:

- 1) limitation of the sign to the size as submitted in the application;
- 2) the obtaining of the proper sign permit for the sign; and
- 3) full compliance with all municipal codes and ordinances.

5. #6330/6170
(Case #BOA-001291-2020)
Merchants Alabama, LLC
250 Yeend Street

(North side of Yeend Street extending to the South side of Baker Street, 400'± West of the intersection of Yeend Street and Baker Street).

Front Yard Setback Variance to allow the construction of elevated emergency exits and associated stairs within a required front yard setback in an I-2, Heavy Industrial District; the Zoning Ordinance requires any structure which exceeds three (3) feet in height to meet all required setbacks in an I-2, Heavy Industrial District.

Council District 3

Motion to Approve by Vernon Coleman. Second by John Burroughs. Approved.

After discussion, the Board determined the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest as the properties which stand to be most affected by the request are separated from the subject property by an active railroad;
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as federal flood zone requirements create the create the required height of the floor of the building; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the surrounding area is primarily heavy industrial used land and safe egress in an emergency is essential.

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6. #6331/6031/5764
(Case #BOA-001294-2020)
Eames Gilmore (Rashard Harris, Agent)
3201 Airport Boulevard

(South side of Airport Boulevard, extending to the North side of International Drive and the West side of Bel Air Boulevard).

Sign Variance to allow three (3) wall signs for a single tenant with two (2) street frontages located on a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance limits each tenant to one (1) wall sign per street frontage when located on a multi-tenant site in a B-3, Community Business District.

Council District 5

Motion to Approve by Lewis Golden. Second by Vernon Coleman. Approved.

After discussion, the Board determined the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest in that it would allow the applicant equal visibility to traffic both pedestrian traffic inside and vehicular outside the mall;
- 2) Special conditions exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship as other businesses on multi-tenant sites do not have to choose how to divide their number of allowed signs between exterior wall and interior mall signs; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance by increasing visibility to both pedestrian and vehicular traffic.

7. #6332
(Case #BOA-001295-2020)
Janet Conte (Don Williams, Agent)
51 South Catherine Street

(East side of South Catherine Street, 327'± North of Brown Street).

Front Yard Setback Variance to allow for the addition of a front porch and accessibility ramp to an existing dwelling within a required front yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance requires any structure which exceeds three (3) feet in height to meet all required setbacks in an R-1, Single-Family Residential District.

Council District 2

Motion to Approve by Lewis Golden. Second by John Burroughs. Approved.

After discussion, the Board determined the following findings of fact for Approval:

- 1) Granting the variance will not be contrary to the public interest in that there are other structures already existing within the neighborhood which enjoy a similarly reduced setback by virtue of being within a Historic District;

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- 2) Special conditions and hardships do exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as several existing structures in the area have reduced setbacks; and
- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance because it will be in keeping with the character of the area.

The approval is subject to the following conditions:

- 1) The obtaining of necessary permits prior to construction; and
- 2) Full compliance with all other municipal codes and ordinances.

VI. EXTENSION REQUESTS:

8. **#6306**
(Case #BOA-001176-2020)
Flora Thompson
1950 Hunter Avenue

(Northwest corner of Hunter Avenue and South Street).

Front Yard and Rear Yard Setback Variances to allow a structure to encroach within the front yard and rear yard setbacks in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum 25' front yard setback and an 8' minimum rear yard setback in an R-1, Single-Family Residential District.

Council District 2

Motion to Approve by Adam Metcalfe. Second by John Burroughs. Approved.

After discussion, the Board approved the request for a 6-month extension of approval.

9. **#6295/6006/5953**
(Case #BOA-001128-2019)
Gray Arnold (Don Williams, Agent)
103 North Warren Street

(Northwest corner of North Warren Street and Saint Michael Street).

Site Variances to allow a covered, partially enclosed terrace, and reduced transparency in an SD-WH, Special District – Warehousing of the Downtown Development District; the Zoning Ordinance does not allow terraces to be covered or partially enclosed, and requires 20% transparency for new construction along Warren Street in SD-WH, Special District – Warehousing of the Downtown Development District.

Council District 2

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Motion to Approve by Lewis Golden. Second by John Burroughs. Approved.

After discussion, the Board approved the request for a 6-month extension of approval.

VII. OTHER BUSINESS:

1. Application Deadline and Meeting Schedule

Motion to Approve by Adam Metcalfe. Second by Vernon Coleman. Approved.