

**BOARD OF ZONING ADJUSTMENT**

**RESULTS AGENDA**

**AUGUST 2, 2021**

**AUDITORIUM, GOVERNMENT PLAZA**

**I. CALL TO ORDER:**

**Chairman William Guess**

**II. ROLL CALL**

<b>X</b>	William L. Guess, Chairman
	Sanford Davis, Vice-Chairman
<b>X</b>	Lewis Golden
<b>X</b>	Adam Metcalfe
<b>X</b>	Jeremy B. Milling
<b>X</b>	John Burroughs

**Staff.** George Davis, Victoria Burch, Doug Anderson, Marie York, Caldwell Whistler, Bert Hoffman

**III. ADOPTION OF THE AGENDA:**

Motion by Adam Metcalfe. Second by Jeremy Milling. **Adopted.**

**IV. HOLDOVERS:**

**1. #6385**

**(Case #BOA-001599-2021)**

**Chelsea McCormick**

**52 Westwood Street**

**(West side of Westwood Street, 20'± South of the West terminus of Homewood Street).**

**Use Variance to allow a home occupation catering/charcuterie business to operate in a detached building in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow a catering/charcuterie business as a home occupation, and home occupations cannot operate in a detached building in an R-1, Single-Family Residential District.**

**Council District 1**

Motion to deny by Jeremy Milling. Second by John Burroughs. **Denied.**

**BOARD OF ZONING ADJUSTMENTS – Results AGENDA**

**August 2, 2021**

**After discussion, the Board determined the following Findings of Fact for Denial for the Use Variance:**

- 1) The variance will be contrary to the public interest, as the applicant could operate a compliant home occupation in the primary residence;**
- 2) Special conditions do not appear to 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 not be observed, and substantial justice shall not be done to the applicant and the surrounding neighborhood by granting the requested variance, as there may be less than desirable impacts on neighboring residents, and the business is not in compliance with Mobile County Health Department requirements and City of Mobile Building Codes.**

**2. #6393**

**(Case #BOA-001621-2021)**

**Pendarius Kidd**

**2810 Harper Avenue**

**(North side of Harper Avenue, 176'± East of Butler Street).**

**Use, Surfacing, Parking Ratio, Landscaping and Tree Planting, and Residential Buffering Variances to allow a hot dog shop without paved parking, no designated parking spaces, no landscaping or tree plantings, and no residential buffering in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow hot dog shops in R-1, Single-Family Residential Districts, and requires compliant parking surfaces, sufficient parking spaces, full compliance with landscaping and tree planting ratios, and compliant residential buffering.**

**Council District 1**

**Motion to deny by William Guess. Second by Adam Metcalfe. **Denied.****

**After discussion, the Board determined the following Findings of Fact for Denial for the Variance requests:**

- 1) The variance will be contrary to the public interest, as the site is predominately single-family residential in nature;**
- 2) Special conditions do not appear to exist, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship as no attempt has been made to use the site in a compliant manner; and**
- 3) The spirit of the chapter shall not be observed, and substantial justice shall not be done to the applicant and the surrounding neighborhood by granting the requested variance, as the proposed commercial operation would not be in keeping with the existing character of the neighborhood.**

**V. PUBLIC HEARINGS:**

**BOARD OF ZONING ADJUSTMENT – RECOMMENDATION AGENDA**

**August 2, 2021**

**3. #6401/6221**

**(Case #BOA-001678-2021)**

**Victor Sign Company**

**7261 and 7311 Airport Boulevard**

(Southeast corner of Airport Boulevard and Portside Drive, extending to the Southwest corner of Airport Boulevard and Lakeview Drive).

**Sign Variance to amend a previously approved Sign Variance to allow a total of four (4) freestanding signs and three (3) wall signs for a single-tenant site in a B-3, Community Business District; the Zoning Ordinance allows a maximum of three (3) signs for a single-tenant site in a B-3, Community Business District.**

Council District 6

Motion to approve pylon only by Adam Metcalfe. Second by Jeremy Milling. Pylon approved, additional wall sign denied.

After discussion, the Board determined the following Findings of Fact for Approval of the pylon sign:

- 1) Approving the variance will not be contrary to the public interest in that it is similar to the previous Sign Variance approved for the subject site;
- 2) Special conditions (the limitation of the design of the previously approved signs) exist such that a 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 applicant and surrounding neighborhood by granting the variance because it will allow for a design change to existing signage.

The Approval is subject to the following conditions:

- 1) Obtaining the necessary sign permits for the signs; and
- 2) Full compliance with all other municipal codes and ordinances.

After discussion, the Board determined the following Findings of Fact for Denial of the additional wall sign:

- 1) The variance will be contrary to the public interest;
- 2) Special conditions do not 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 not be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

**BOARD OF ZONING ADJUSTMENTS – Results AGENDA**  
**August 2, 2021**

**4. #6402**  
**(Case #BOA-001685-2021)**

**Taylor Atchison**  
**755 Monroe Street**

(Southeast corner of Monroe Street and South Bayou Street).

**Fence Height Variance to allow a ten-foot-high wooden privacy fence along a side property line in a T5.1 Sub-District of the Downtown Development District; the Zoning Ordinance limits wooden privacy fences to a maximum height of eight feet in a T5.1 Sub-District of the Downtown Development District.**

Council District 2

Motion to approve by Lewis Golden. Second by Adam Metcalfe. **Approved.**

**After discussion, the Board determined the following Findings of Fact for Approval of the Fence Height Variance request:**

- 1) Approving the variance will not be contrary to the public interest in that it will provide additional buffering between a commercial business with outdoor activity and adjacent residences;**
- 2) Special conditions do exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, in that increased outdoor commercial activity creates a desired increase in protection of adjacent residential properties; and**
- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the applicant and surrounding neighborhood by granting the variance because a residential buffer beyond the minimum required is proposed.**

**The approval is subject to the following conditions:**

- 1) Approval from the Consolidated Review Committee;**
- 2) Approval from the Architectural Review Board;**
- 3) Obtain all necessary permits; and**
- 4) Full compliance with all municipal codes and ordinances.**

**5. #6403**  
**(Case #BOA-001689-2021)**

**Wrico Signs, Inc.**  
**5300 Halls Mill Road**

(Southwest corner of Halls Mill Road and Rangeline Road).

**Sign Variance to allow three (3) wall signs for a tenant in a multi-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance limits a tenant to one (1) wall sign in a multi-tenant commercial site in a B-3, Community Business District.**

Council District 4

**BOARD OF ZONING ADJUSTMENT – RECOMMENDATION AGENDA**

**August 2, 2021**

Motion to approve by Jeremy Milling. Second by Adam Metcalfe. **Approved.**

**After discussion, the Board determined the following Findings of Fact for Approval of the request to allow three (3) wall signs for a tenant in a multi-tenant commercial site in a B-3, Community Business District:**

- 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.**

**6. #6404/6359**

**(Case #BOA-001692-2021)**

**Revitalize Realty LLC**

**1710 Gulf Field Drive North**

**(North side of Gulf Field Drive North; 141'± East of Maryvale Street South).**

**Use Variance to allow three (3) dwelling units in an R-1, Single-Family Residential District; the Zoning Ordinance limits the maximum number of dwellings allowed on a single lot to one (1) in an R-1 Single Family Residential District.**

**Council District 3**

Motion to deny by John Burroughs. Second by Adam Metcalfe. **Denied.**

**After discussion, the Board determined the following Findings of Fact for Denial of the Use Variance request:**

- 1) Approving the variance will be contrary to the public interest in that staff has received a complaint related to the multi-family nature of the structure;**
- 2) Special conditions do not exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, in that the site has historically been used as a single-family residence; and**
- 3) The spirit of the chapter shall be not observed, and substantial justice shall not be done to the applicant and surrounding neighborhood by granting the variance because all other properties are used in a compliant manner.**

**7. #6405/5915/5272/3366/3139/1640**

**(Case #BOA-001707-2021)**

**Rebecca Persekian**

**1757 Government Street**

**(Southwest corner of Government Street and Weinacker Avenue).**

**Use, Access/Maneuvering, and Tree Planting Variances to allow a lounge and banquet venue with parking nose-in/back-out within a right-of-way, with no additional tree**

**BOARD OF ZONING ADJUSTMENTS – Results AGENDA**  
**August 2, 2021**

**plantings in a B-1, Buffer Business District; the Zoning Ordinance requires a minimum of a B-2, Neighborhood Business District for the operation of a lounge and banquet venue with all parking and maneuvering spaces on private property, and full compliance with tree planting requirements.**

Council District 2

Motion to holdover by Adam Metcalfe. Second by William Guess. **Heldover until September 13<sup>th</sup> meeting.**

**After discussion, the Board heldover the request to the September meeting to allow the applicant to provide a complete notification list and postage fees.**

- 8. #6406/6383/4797/4783/671**  
**(Case #BOA-001703-2021)**

**Stephen Howle**

**1812 Old Shell Road**

(North side of Old Shell Road, 105'± East of Shell Road Place).

**Sign Variance to allow suspended signage outside a historic district in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow suspended signage outside a historic district in a B-2, Neighborhood Business District.**

Council District 1

Lewis Golden recused himself from consideration of this application. As such, there was no quorum to consider the request. **Heldover until September 13<sup>th</sup> meeting.**

**The application was heldover until the September 13<sup>th</sup> meeting due to a lack of a quorum to consider the application.**

- 9. #6407/4282**  
**(Case #BOA-001706-2021)**

**Winston Davison**

**1590 Regency Drive**

(Southwest corner of Regency Drive and Knob Hill Drive).

**Use Variance to allow the storage of a commercial truck and trailer at a residence in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow the storage of commercial trucks and trailers at a residence in an R-1, Single-Family Residential District.**

Council District 4

Motion to holdover by Lewis Golden. Second by John Burroughs. **Heldover until September 13<sup>th</sup> meeting.**

**BOARD OF ZONING ADJUSTMENT – RECOMMENDATION AGENDA**  
**August 2, 2021**

**After discussion, the Board heldover the request until the September 13<sup>th</sup> meeting at the applicant's request to discuss options with staff.**

**VI. OTHER BUSINESS:**