

BOARD OF ZONING ADJUSTMENT

Results AGENDA

December 7, 2020 - 2:00 P.M.

Meeting livestreamed.

I. CALL TO ORDER:

Chairman William Guess

II. ROLL CALL

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

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

III. ADOPTION OF THE AGENDA:

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

IV. HOLDOVERS:

1. **#6356/5279/5251/4007/3892/2258**

(Case #BOA-001406-2020)

MA Foodmart 1, LLC (Mohammed Suid, Agent)

1363 Government Street

(Southeast corner of Government Street and Everett Street).

Sign Variance to allow a freestanding digital pricing sign within 300' of residentially zoned property, and an existing canopy sign for more than 64 square feet in total signage at a single-tenant site in the Leinkauf Historic District in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow digital pricing signs within 300' of residentially zoned property and limits businesses in

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historic districts to no more than 64 square feet of signage in a B-2, Neighborhood Business District.

Council District 2

Motion to approve both the Canopy Sign and Monument Sign requests, with conditions, by Lewis Golden. Second by Sanford Davis. **Approved.**

Canopy Sign: After discussion, the Board determined the following Findings of Fact for Approval for the “TEXACO” sign on the east elevation of the canopy:

- 1) Approving the canopy sign variance will not be contrary to the public interest, as the existing sign is a portion of the overall signage approved in 2010 for the north canopy elevation;
- 2) Special conditions (live oak trees in the abutting right-of-way) 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 canopy sign variance because it will compensate for limitation in the signage allowances of the Zoning Ordinance.

The Approval is subject to the following conditions:

- 1) approval by the Architectural Review Board;
- 2) obtaining of all required after-the-fact sign permits for the east canopy sign; and
- 3) full compliance with all other municipal codes and ordinances.

Monument Sign: After discussion, the Board determined the following Findings of Fact for Approval of the proposed monument digital pricing sign:

- 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.

The Approval is subject to the following conditions:

- 1) limited to the same height, location and size as the existing sign;
- 2) digital sign to comply with lighting limits of the Zoning Ordinance, and be static;
- 3) approval by the Architectural Review Board;
- 4) removal of all non-compliant signs from the site;
- 5) obtaining of all required sign permits for the sign, if approved by the Architectural Review Board; and
- 6) full compliance with all other municipal codes and ordinances.

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2. #6359
(Case #BOA-001415-2020)
Revitalize Mobile, 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 holdover by Jeremy Milling. Second by Adam Metcalfe. **Heldover until January 11, 2021.**

After discussion, the Board heldover the request until the January 11, 2021 meeting so that the applicant could contact neighborhood residents to discuss the request.

V. PUBLIC HEARINGS:

3. #6360/6152
(Case #BOA-001417-2020)
Nothing Bundt Cakes (John Gabriel, Agent)
3255 Airport Boulevard
(Southeast corner of Airport Boulevard and East I-65 Service Road South.)
Sign Variance to allow three wall signs for an end cap tenant with two street frontages on a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance allows one wall sign for an end cap tenant per street frontage on a multi-tenant site in a B-3, Community Business District.
Council District 5

Motion to approve by Jeremy Milling. Second by Lewis Golden. William Guess voted against the motion, thus due to a lack of five affirmative votes, **the request is denied.**

After discussion, the motion to approve failed due to a lack of affirmative votes by the Board. Therefore, the application was denied.

4. #6361
(Case #BOA-001423-2020)
Ava Speights
2401 Government Street
(Southwest corner of Government Street and Morgan Avenue).
Site and Use Variances to allow used auto sales on an un-developed lot in a B-2, Neighborhood Business District; the Zoning Ordinance requires used auto sales

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**lots to be developed to commercial site standards and does not allow vehicle sales in a B-2, Neighborhood Business District.
Council District 5**

Motion to deny by Lewis Golden. Second by Jeremy Milling. **Denied.**

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

- 1) Granting the variance will be contrary to the public interest because it will be contrary to the Zoning Ordinance requirements regarding the prohibition of auto sales and commercial site standards in a B-2, Neighborhood Business District;**
- 2) Special conditions and hardships do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the proposed use could be established in the appropriate zoning district without the necessity of a variance.**

**5. #6362
(Case #BOA-001426-2020)**

AOT, LLC

1704 McGill Avenue

(North side of McGill Avenue, 93'± West of South Reed Avenue).

Use, Parking Ratio and Access Variances to allow four (4) dwelling units on a lot with a reduced parking ratio and sub-standard access in an R-1, Single-Family Residential District; the Zoning Ordinance limits the number of dwelling units to a maximum of one (1) per lot, and requires a compliant parking ratio with compliant access in an R-1, Single-Family Residential District.

Council District 2

Motion to approve by Adam Metcalfe. Second by Sanford Davis. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval of the Use, Parking Ratio and Access Variance requests:

- 1) Approving the variance will not be contrary to the public interest in that the use would be consistent with the previous use of the property, and the allowance of reduced parking and sub-standard access would allow on-site parking not otherwise possible for the site;**
- 2) Special conditions (the site was originally developed as a four-plex apartment building with limited, if any, on-site parking, and no area for driveway expansion) 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 the use would be compatible to the site's original and previous use, and the necessity for off-site parking will be reduced.

The Approval is subject to the following conditions:

- 1) coordination with Planning and Zoning on a revised site plan to provide tree plantings for the parking area;
- 2) revision of the site plan to provide a residential buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance;
- 3) recording of McGill-Reed Subdivision prior to the issuance of any permits for renovations or land disturbance activities for the site;
- 4) subject to the Engineering comments: *[PARKING RATIO VARIANCE: If the proposed variance is approved for use the applicant will need to have the following conditions met: 1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit – A Tier 2 Land Disturbance permit will need to be submitted through Central Permitting. 2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way. 3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.];*
- 5) submission to and approval by Planning and Zoning of a copy of a revised site plan prior to the issuance of any permits for renovations or land disturbance activities for the site;
- 6) approval by the Mobile Historic Development Commission for any exterior work proposed; and
- 7) full compliance with all other municipal codes and ordinances.

VI. OTHER BUSINESS:

Meeting concludes. 4:10 PM