

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

April 5, 2021

MEETING HELD ONLINE

I. CALL TO ORDER:

Chairman William Guess

II. ROLL CALL

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

Staff. Marie York, Bert Hoffman, John Strope, Doug Anderson, Victoria Burch.

III. ADOPTION OF THE AGENDA:

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

IV. HOLDOVERS:

1. **#6364**

(Case #BOA-001455-2021)

Henry Hamilton

2339 Dauphin Island Parkway

(North side of Dauphin Island Parkway, 118' ± West of Rosedale Road)

Use Variance to allow automobile sales and service in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow automobile sales service in an R-1, Single-Family Residential District.

Council District 3

Motion to holdover by Vernon Coleman. Second by Lewis Golden. **Heldover until the May 3 meeting.**

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After discussion, the Board heldover the Use Variance request to the May 3rd meeting to allow the Planning Commission to consider the rezoning application.

2. #6369

(Case #BOA-001504-2021)

Cory Bronenkamp

453 Dexter Avenue

(East side of Dexter Avenue, 57'± South of Ohio Street).

Use Variance to allow two (2) 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 2

Motion to deny by Adam Metcalfe. Second by Lewis Golden. **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 the use would be contrary to the established zoning classification and use of both the site and surrounding neighborhood as single-family residential;
- 2) Special conditions were not 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 not be observed, and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the use would be incompatible to an established R-1 District.

V. PUBLIC HEARINGS:

3. #6372/1011

(Case #BOA-001532-2021)

St. John's Deliverance Temple

2621 Ralston Road

(South side of Ralston Road, 240'± West of South Florida Street).

Site Building Setback, Residential Buffer, and Off-Site Parking Variances to allow over 50% site coverage, reduced front yard and rear yard setbacks, no residential buffer, and off-site parking for an existing church in a B-2, Neighborhood Business District (rezoning pending); the Zoning Ordinance limits the maximum site coverage to 50%, with a 25' front setback and a ten-foot rear setback, a compliant residential buffer, and requires all parking to be on-site for a church in a B-2, Neighborhood Business

Council District 5

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Motion to holdover by Adam Metcalfe. Second by Vernon Coleman. **Heldover until the May 3 meeting.**

After discussion, the Board Heldover the request to the May 3, 2021 meeting, with revisions due by April 16th to address the following:

- 1) Authorization of the property owner for the off-site parking proposed; and
- 2) Submittal of a site plan depicting off-site parking.

4. #6373

(Case #BOA-001536-2021)

Steven R. Sheridan

1 Ridgelawn Drive East

(Northwest corner of Ridgelawn Drive East and Old Shell Road).

Setback Variance to allow a ten-foot side yard setback and an eight-foot high wall along the side street property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 25' side yard setback, and requires any structure three feet high or more to meet the 25' setback in an R-1, Single-Family Residential District.
Council District 7

Motion to approve by Adam Metcalfe. Second by Vernon Coleman. **Approved.**
John Burroughs opposed.

After discussion, the Board determined the following Findings of Fact for approval of requests for a ten-foot side yard setback and an eight-foot high wall along the side street property line in an R-1, Single-Family Residential District:

1. Approving the variance request will not be contrary to the public interest due to the fact that similar requests have been approved by the Board for nearby properties for walls of similar size and location;
2. Special conditions exist, such as the fact that other properties within the neighborhood have fences and walls close to the street property line, and reduced side street setbacks have been approved, 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 the surrounding neighborhood by granting the variance because the request is similar to and not uncommon for other properties within the Spring Hill area.

The approval is subject to the following conditions:

- 1) the obtaining of the proper permit(s) for the construction of the wall;
- 2) subject to the Engineering comments: (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

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- Permit – Single Family Residential Affidavit 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.); and
- 3) full compliance with all municipal codes and ordinances.

5. #6374

(Case #BOA-001537-2021)

Steven Sheridan

116 Myrtlewood Lane

(East side of Myrtlewood Lane at the East terminus of Stein Avenue).

Front Yard Setback Variance to allow a ten-foot front yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance requires at least a 25' front yard setback in an R-1, Single-Family Residential District.

Council District 7

Motion to holdover by Adam Metcalfe. Second by Sanford Davis. **Heldover until the May 3 meeting.**

After discussion, the Board Heldover the request to the May 3, 2021 meeting.

6. #6375

(Case #BOA-001538-2021)

Erik Eckhart

5535 and 5575 U.S. Highway 90 West

(East side of U.S. Highway 90 West, 100'± North of Kooiman Road)

Sign Variance to allow a total of 13 signs, with one being a 150' high rise sign on a single-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance allow a single-tenant commercial site to have freestanding signs no more than 35' high, and a total of three (3) signs in a B-3, Community Business District.

Council District 4

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

- Total of six (6) permanent signs, with canopy signs not to extend above or below the canopy;
- No logo on the scales signage or exit signs along Kooiman Road, with scales signage no more than 20 square feet
- Two (2) temporary signs;

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- One (1) High-Rise sign, maximum of 100 feet in height.

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;**
- 2) **Special conditions appear to exist, 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.**

The approval is limited to the revised sign package:

1. **Total of six (6) permanent signs, with canopy signs not to extend above or below the canopy;**
2. **No logo on the scales signage or exit signs along Kooiman Road, with scales signage no more than 20 square feet**
3. **Two (2) temporary signs; and**
4. **One (1) High-Rise sign, maximum of 100 feet in height.**

7. #6376

(Case #BOA-001539-2021)

Manolakis Practice Property, LLC (Joan Marie Manolakis, Agent)

508 Georgian Drive

(North side of Georgian Drive at its East terminus).

Site Variance to allow a sub-standard width two-way drive on a commercial site in a B-1, Buffer Business District; the Zoning Ordinance requires a two-way drive to be at least 24' wide in a B-1, Buffer Business District.

Council District 5

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 Site Variance:

- 1) **The variance will not be contrary to the public interest, as the driveway has been utilized in its current configuration for approximately 30 years;**
- 2) **Special conditions exist with the property itself, in that it is impossible for compliant driveways to be provided without removing a portion of the existing structure; and**
- 3) **The spirit of the chapter shall be observed, and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the requested variance, as the existing driveway has been in its current configuration since 1991 without complaints.**

The Approval is subject to the following conditions:

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- 1) **Compliance with Engineering comments:** *(If the proposed variance is approved for use the applicant will need to have the following conditions met: 1. The proposed improvements for a curbcut in an existing Public ROW will require a ROW Permit. If the proposed curbcut is proposed with associated site work the proposed work will require a Land Disturbance Permit be submitted through Central Permitting. 2. 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. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.);*
- 2) Obtain all required permits; and
- 3) Full compliance with all municipal codes and ordinances.

VI. OTHER BUSINESS