

**BOARD OF ZONING ADJUSTMENT**

**RESULTS AGENDA**

**August 3, 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, Bert Hoffman, Doug Anderson, Emily Maskey, John Strobe

**III. ADOPTION OF THE AGENDA:**

Adam Metcalfe made the motion to adopt the agenda. Lewis Golden seconded. **Approved.**

**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 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

**Adam Metcalfe made the motion to approve. Sanford Davis seconded. Approved.**

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

- 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. EXTENSIONS:**

**2. #6218**

**(Case #BOA-000710-2018)**

**Springhill Village, LLC**

**4350, 4354, 4356, 4358, 4360, 4362, 4364 and 4366 Old Shell Road**

**(North side of Old Shell Road, 390'± West of Dilston Lane extending to the East side of North McGregor Avenue, 480'± North of Old Shell Road).**

**Reduced Building Frontage, Increased Access Drive Width and Sign Variances to allow a 41%+ building frontage along Old Shell Road, and a 46%+ building frontage along McGregor Avenue North; to allow a two-way access drive width of 38.88'+; and to allow two pylon signs to remain on site in a Village Center Sub-district of a Traditional Center District overlay; the Zoning Ordinance requires an 80% building frontage, allows a maximum two-way drive width of 30', and does not allow freestanding signs in a Village Center Sub-district of a Traditional Center District overlay.**

**Council District 7**

**Jeremy Milling made the motion to Approve. Lewis Golden seconded. Approved.**

**After discussion, the Board approved a one-year extension to allow for the issuance of permits for development.**

**VI. PUBLIC HEARINGS:**

3. #6333  
(Case #BOA-001308-2020)  
**Rowe Surveying & Engineering, Inc. (Eric Jackson, Agent)**  
**4580 Shipyard Road**

(West side of Shipyard Road, 730'± South of Crown Drive).

**Surfacing Variance to allow aggregate surfacing for a truck parking and maneuvering area on a commercial site in a B-5, Office/Distribution District; the Zoning Ordinance requires parking and maneuvering surfaces to be paved with concrete, asphalt, asphaltic concrete, or an approved alternative paving surface in a B-5, Office/Distribution District.**

Council District 4

**Jeremy Milling made the motion to Approve. Lewis Golden seconded. 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 due to the existing variance approval and the similar use associated with the application;**
- 2) **Special conditions and hardships exist that make a literal enforcement of the provisions of the Chapter result in an unnecessary hardship as the expanded site will continue to be utilized in a manner consistent with the existing western portion of the development; 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 variance will be in keeping with the existing development of the western portion of the property.**

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

- 1) **Compliance with Engineering comments ( *1. Submit and receive a Land Disturbance Permit through Central Permitting for the proposed site development. 2. Submit a ROW Permit (City of Mobile) for the work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW. 3. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt)*); and**
- 2) **Full compliance with all municipal codes and ordinances**

4. #6334/5431  
(Case #BOA-001312-2020)  
**Wrico Signs (Downtown Police Precinct)**  
**55 North Water Street**

(West side of North Water Street, extending from St. Francis Street to St. Michael Street).  
**Sign Variance to allow two (2) individual storefront signs exceeding the height limit, two (2) wall plaque signs exceeding the size allowance, and one (1) projecting sign in a T-6 Sub-District of the Downtown Development District; the Zoning Ordinance allows one (1) individual storefront sign per business not exceeding 2' in height, one (1) wall plaque sign per business not exceeding eight (8) square feet, and does not allow projecting signs in a T-6 Sub-District of the Downtown Development District.**  
Council District 2

**Jeremy Milling made the motion to Approve. Lewis Golden seconded. 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 will allow greater recognition of a Police Precinct than would ordinarily be allowed;**
- 2) **Special conditions (the double street frontages and the building massing) 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, the surrounding neighborhood, and the public in general by granting the variance because it will provide for easy recognition of a vital public safety entity in times of a possible emergency.**

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

- 1) **signage to comply with the types and sizes as submitted with this application;**
- 2) **obtaining of the necessary sign permits for all signage; and**
- 3) **full compliance with all other municipal codes and ordinances.**

5. #6335/6243/5603  
(Case #BOA-001318-2020)  
**The Fernbank Apartments, LLC**  
**1400 Church Street**

(Northwest corner of Church Street and Everett Street)  
**Use Variance to allow an apartment building in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow an apartment building in an R-1, Single-Family Residential District.**  
Council District 2

**Lewis Golden made the motion to approve. Jeremy Milling seconded. 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 the use would be consistent with the originally-intended and past use of the property;
- 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 would be compatible to the site's original development and previous use.

The approval is subject to the following conditions:

- 1) use is limited to 6 dwelling units;
- 2) full compliance with all municipal codes and ordinances.

6. #6336/6162

(Case #BOA-001331-2020)

**David M. Shumer (Barton & Shumer Engineering, LLC)**

**921 Dauphin Street & 926 Conti Street**

(North side of Conti Street, 230'± East of Common Street, extending to the South side of Dauphin Street, 285'± East of Common Street).

**Parking and Access/Maneuvering Surface Variances to allow a parking lot with an aggregate surface on a commercial site in an LB-2, Limited Neighborhood Business District; the Zoning Ordinance requires parking and access/maneuvering surfaces to be paved with concrete, asphalt, asphaltic concrete, or an approved alternative paving surface in an LB-2, Limited Neighborhood Business District.**

Council District 2

**Adam Metcalfe made the motion to Holdover until the September meeting. Jeremy Milling seconded. The vote to holdover the application until the September meeting was approved.**

After discussion, the Board heldover the request until the September 14, 2020 meeting, at the request of the applicant.

7. #6337

(Case #BOA-001332-2020)

**Shawn Conklan**

**4287 Horloesther Court**

**Board of Zoning Adjustment  
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(Southwest corner of Old Shell Road and Horloesther Court).

**Front Yard and Side Street Side Yard Setback Variances to allow an 8' high privacy fence within 25' of the front yard and side street side yard setbacks in an R-1, Single-Family Residential District; the Zoning Ordinance requires fences 3' high or taller to be setback at least 25' from the front yard and side street property lines in an R-1, Single-Family Residential District.**

Council District 5

**Jeremy Milling made the motion to Approve. Sanford Davis seconded. Approved.**

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

- a) **Approving the variance will not be contrary to the public interest because the proposed fence is in keeping with the character of existing fences in the area;**
- b) **Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**
- c) **The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance.**

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

- 1) **Obtain associated building permits;**
- 2) **The approval of the Traffic Engineering Department for the specific location of the proposed fence; and**
- 3) **Full compliance with all municipal codes and ordinances.**

**8. #6338**

**(Case #BOA-001333-2020)**

**Cherry McNab Architects (Joe De Le Ree, Agent)**

**664 South University Boulevard**

(Northwest corner of South University Boulevard and Ahepa Lane [private street]).

**Residential Buffer Variance to allow a dumpster within 10' from residentially-zoned property in a B-3, Community Business District; the Zoning Ordinance requires dumpsters be a minimum 10' from residentially-zoned property for in a B-3, Community Business District.**

Council District 4

**Adam Metcalfe made the motion to approve. Lewis Golden seconded. Approved.**

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

- 1) **The variance will not be contrary to the public interest;**

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- 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.

9. #6339/5800  
(Case #BOA-001334-2020)  
**Africatown Community Development Corporation**  
**400 Africatown Boulevard**

(Northwest corner of Bay Bridge Road and Paper Mill Road, extending to Paper Mill Road Extension)

**Use, Parking, Parking Surface, Buffering, Landscaping and Tree Planting, Setback and Signage Variances to allow a market in a split-zoned B-2, Neighborhood Business District and R-2, Two-Family Residential District with substandard parking, substandard parking surface, no residential buffering, no landscaping or tree plantings, reduced structure setbacks, and noncompliant signage; the Zoning Ordinance requires a B-3, Community Business District for a seasonal market, with compliant parking, parking surfacing, residential buffer, landscaping and tree plantings, with compliant structure setbacks and compliant signage.**

Council District 2

Jeremy Milling made the motion to holdover until the September meeting. Sanford Davis seconded. **The vote to holdover the application until the September meeting was approved.**

After discussion, the Board heldover the request until the September 14, 2020 meeting, at the request of the applicant.

10. #6340  
(Case #BOA-001335-2020)  
**Clark Geer Latham & Associates**  
**146 Hyland Avenue**

(Southeast corner of Spring Hill Avenue and Hyland Avenue).

**Use Variance to allow off-site parking for a church in an R-1, Single-Family Residential District; the Zoning Ordinance requires all parking to be on-site for a church in an R-1, Single-Family Residential District.**

Council District 1

Lewis Golden made the motion to approve, with only fence on south. Adam Metcalfe seconded. **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 proposal will make an existing non-compliant use legal and provide improved parking area where previously none existed;
2. Special conditions were illustrated 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 surrounding neighborhood by granting the variance because the proposed parking lot improvements will be in compliance with the Zoning Ordinance.

The approval is subject to the following conditions:

- 1) Provision of a buffer fence along the southern boundary of the site where it abuts residential uses;
- 2) Obtaining necessary demolition permits for existing structure(s) on the site prior to the issuance of land disturbance permits;
- 3) Revision of the site plan to illustrate either signs labeling the traffic pattern as “one-way” or addition of one-way directional arrows to be painted on the pavement;
- 4) Revision of the site plan to illustrate full compliance with Section 64-4.E.3 Tree and Landscaping;
- 5) Submittal of a revised site plan prior to the issuance of land disturbance permits;
- 6) Approval of a one-lot Subdivision by the Planning Commission prior to the issuance of permits;
- 7) Compliance with Engineering comments (*1. Submit and receive a Land Disturbance Permit through Central Permitting for the proposed site development. 2. Submit a ROW Permit (ALDOT and City of Mobile) for the work within the Public ROW. 3. Existing curb cuts shall be removed and replaced with curb and gutter to match the existing street. 4. Sidewalk shall be constructed along Hyland Ave.*);
- 8) Compliance with Traffic Engineering comments (*Any on-site parking, including ADA handicap spaces, should meet the minimum standards as defined in Section 64-6 of the City’s Zoning Ordinance. Unused curb-cuts should be removed and curb restored to match existing.*);
- 9) Compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.*);
- 10) Provision of the required buffer fence along the south property line only; and



11) Full compliance with all other municipal codes and ordinances.

11. #6341

(Case #BOA-001336-2020)

Furr Street Partners, LLC

108 and 110 Furr Street

(East side of Furr Street, 185'± North of Old Shell Road).

**Parking and Maneuvering Surface Variance to allow aggregate surfacing in a B-3, Community Business District; the Zoning Ordinance requires parking and maneuvering surfaces to be paved with concrete, asphalt, asphaltic concrete, or an approved alternative paving surface in a B-3, Community Business District.**

Council District 1

**Jeremy Milling made the motion to approve. Second by Sanford Davis. 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 due to the fact that the proposed use is strictly for personal use, and a hardship is illustrated by requiring compliant surfacing for the parking and maneuvering areas, and by requiring bumper stops;
2. special conditions do exist (the site is not proposed to be used commercially) and there are hardships which exist that make the approvals necessary; 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 a hardship is illustrated with respect to complying with the parking and maneuvering surface and bumper stop requirements of the Zoning Ordinance.

The approval is subject to the following conditions:

- 1) the site is to be used only by the applicant and associates for personal use, with no commercially stored vehicles on the site;
- 2) if security fencing is proposed, any barbed wire fencing is to be approved by the Executive Director of Build Mobile;
- 3) if the site is gated, either provision of remotely activated gates, or the provision of a 60' deep vehicle stacking area within the site;
- 4) completion of a one-lot subdivision to combine the two subject lots into one legal lot of record prior to the issuance of permits;
- 5) provision of a 6' wooden privacy fence where the site abuts residentially zoned property;
- 6) compliance with the commercial landscaping and tree planting requirements of the Zoning Ordinance;
- 7) Compliance with Engineering comments (*1. Submit and receive a Land Disturbance Permit through Central Permitting for the proposed site development. 2. Submit a ROW Permit (City of Mobile) for the work within*

- the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW. 3. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt.);*
- 8) **Compliance with Traffic Engineering comments** (*Aggregate surface, if approved, shall not extend into the right of way. A City standard driveway apron comprised of either concrete or asphalt shall be installed for access to the property. Unused curb-cuts should be removed and curb restored to match existing.);*
  - 9) **Compliance with Urban Forestry comments** (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.);*
  - 10) **Compliance with Fire comments** (*All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code). Fire Code compliant paved access required from both streets.);* and
  - 11) **full compliance with all other municipal codes and ordinances.**

**12. #6342**  
**(Case #BOA-001337-2020)**  
**Metcalfe & Company (Brian Metcalfe, Agent)**  
**200 North Royal Street**

(Block bounded by North Royal Street, State Street, North Water Street and St. Anthony Street).

**Building Material, Window Transparency and Fence Height Variances to allow a metal modular building with reduced window transparency, and a perimeter fence height of 10' in a T-6 Sub-District of the Downtown Development District; the Zoning Ordinance prohibits metal exterior finishes on structures, requires a window transparency of at least 78%, and limits a perimeter fence height to a maximum of 8' within a T-6 Sub-District of the Downtown Development District.**  
Council District 2

**Due to the recusal of a member, there was no quorum to consider this application; thus it was heldover until the September 14, 2020 meeting of the Board.**

V. **OTHER BUSINESS:**

Approval of minutes for Ranita Smith Administrative Review, May 4, 2020

Adam Metcalfe made the motion to approve. Jeremy Milling seconded. **Approved.**