

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

June 1, 2020 - 2:00 P.M.

Meeting to be 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
x	John Burroughs

Staff: Doug Anderson, Margaret Pappas, Bert Hoffman, Emily Maskey, and John Strope (Dogwood Productions)

III. ADOPTION OF THE AGENDA:

Motion to Approve by Adam Metcalfe. Second by Jeremy Milling. **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

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District.
Council District 7

Motion to Holdover by Adam Metcalfe. Second by Jeremy Milling. Heldover to July 6th meeting.

2. #6323 REMOVED FROM THE AGENDA

(Case #BOA-001251-2020)

Ahearn Construction (Matthew Ahearn)

900 Saint Anthony Street

(Northwest corner of Saint Anthony Street and North Broad Street).

~~Parking, Landscape, and Tree Planting Variances to allow a reduced number of parking spaces, waive commercial landscaping requirements, and a reduced number of required tree plantings in a B-4, General Business District; the Zoning Ordinance requires compliant parking, landscaping, and tree planting for new commercial development in a B-4, General Business District.~~

Council District 2

V. EXTENSIONS:

3. #6296/1704

(Case #BOA-001129-2019)

Carol Ann Williams

2153 Grove Court

(South terminus of Grove Court).

Front Yard Setback Variance to allow a building to encroach within the Front Yard Setback in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow any structure within a Front Yard Setback in an R-1, Single-Family Residential District.

Council District 3

Motion to Approve by Adam Metcalfe. Second by Lewis Golden. Extension request Approved.

After discussion, the Board approved the request for a six-month extension of the previously approved Variance, subject to obtaining any necessary building permits. The applicant was advised that any future extensions will be unlikely.

VI. PUBLIC HEARINGS:

4. #6325

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(Case #BOA-001272-2020)

Branch Towers III, LLC

3170 Dauphin Street

(Northwest corner of Dauphin Street and Dauphin Square Connector).

Height and Setback Variances to allow a 150' monopole telecommunications tower setback 27' from the lease parcel line in a B-3, Community Business District; the Zoning Ordinance limits structures to a maximum height of 45', and telecommunications towers must be setback at least the tower height in a B-3, Community Business District.

Council District 1

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

After discussion, the Board determined the following Findings of Fact for Approval of the Height and Setback Variance requests:

- 1) Based on the fact that site selection was limited by non-availability of other larger sites, the variances will not be contrary to the public interest;**
- 2) Special conditions (no sites in the area allow for a 150' high structure and the site is of limited space) 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 variances in that no other tower sites were available for collocation or new construction within the area.**

The Approval is subject to the following conditions:

- 1) the tower is limited to a monopole design with an over-all structure height of 150';**
- 2) placement of a note on a revised site plan stating that, if barbed wire fencing is proposed, it must be approved by the Director of Build Mobile;**
- 3) submission of documentation verifying that a tower illumination beacon is required by the Federal Aviation Administration (FAA), or placement of a note on the site plan stating that no tower light beacon is allowed;**
- 4) revision of the site plan to provide compliant tree plantings around the compound, to be coordinated with staff, and the possibility of reducing the number of required trees with contributions to the Mobile Tree Commission for any reduction in required plantings;**
- 5) subject to the Engineering comments: *(Please attach the following CONDITIONS to any approval: 1. Submit and receive a Land Disturbance Permit for the proposed site development. 2. Submit a ROW Permit (City of Mobile) for any work within the public ROW. Aggregate surfacing is NOT allowed within the public ROW; only pavement will be allowed.)*;**
- 6) subject to the Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and***

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protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64).);

- 7) **subject to the Fire Department 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).);**
- 8) **subject to the approval by the Planning Commission of a Planning Approval to allow the tower in a B-3 District;**
- 9) **submittal to and approval by Planning and Zoning of a revised site plan prior to submittal for building permits; and**
- 10) **full compliance with all municipal codes and ordinances.**

5. #6326

(Case #BOA-001275-2020)

Facethia Hogue

2012 Jones Avenue

(North side of Jones Avenue, 215'± East of Wellworth Street).

Use Variance to allow up to 10 children with a non-resident employee in a daycare in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow more than 6 children in a home daycare in an R-1, Single-Family Residential District, and requires all employees to live at the address.

Council District 1

Motion to Approve by Adam Metcalfe. Second by Sanford Davis. **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.**

The Approval is subject to the following conditions:

- 1) **Full compliance with all municipal codes and ordinances.**

6. #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

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to a maximum height of three (3) feet in a B-3, Community Business District.
Council District 5

Motion to Holdover by Adam Metcalfe. Second by John Burroughs. Heldover until July 6th.

After discussion, the Board approved the applicant's request to Holdover the application until the July 6th meeting. The Board additionally requested images of the proposed fence for the next meeting.

VII. OTHER BUSINESS:

Announcement that the Board's action regarding the following case has been appealed to Circuit Court:

#6321

(Case #BOA-001242-2020)

Ranita Smith

103 Michael Donald Avenue

(West side of Michael Donald Avenue, 63'± North of the intersection of Michael Donald Avenue and Old Shell Road).

Administrative Appeal of a staff decision granting "reasonable accommodation" to allow up to 8 unrelated people to live in a recovery residence as a family.

Council District 2

Meeting adjourned at 2:48