

**BOARD OF ZONING ADJUSTMENT**

**RESULTS AGENDA**

**May 03, 2021**

**AUDITORIUM, GOVERNMENT PLAZA**

**I. CALL TO ORDER:**

**Chairman William Guess**

**II. ROLL CALL**

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

**Staff:** Doug Anderson, Margaret Pappas, Marie York, Bert Hoffman, Victoria Burch, George Davis

**III. ADOPTION OF THE AGENDA:**

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

**IV. HOLDOVERS:**

**1. #6364**

**(Case #BOA-001455-2020)**

**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 and service in an R-1, Single-Family Residential District.**

**Council District 3**

Motion to deny by Jeremy Milling. Second by Adam Metcalfe. **Denied.**  
Sanford Davis opposed.

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

**BOARD OF ZONING ADJUSTMENTS - RESULTS**

**May 3, 2021**

- 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 in a R-1, Residential Single-Family District (or B-2, Neighborhood Business District), and commercial site development standards;**
- 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.**

**2. #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 Coverage, 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 District.**

**Council District 5**

**Motion to holdover by Adam Metcalfe. Second by Vernon Coleman. **Heldover until the July 12<sup>th</sup> meeting.****

**After discussion, the Board heldover the request until the July 12, 2021 meeting.**

**3. #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 deny by Adam Metcalfe. Second by Sanford Davis. **Denied.****

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

**BOARD OF ZONING ADJUSTMENT – RESULTS**

**May 3, 2021**

- 1) **Approving the variance request will be contrary to the public interest due to the fact that there have not been similar variances approved within the vicinity of this site;**
- 2) **Special conditions do not appear to exist, primarily the approval of reduced front yard setbacks, 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 not be observed, and substantial justice shall not be done to the applicant and the surrounding neighborhood by granting the variance in that it would be contrary to the existing character of the area and previously approved front setback requirements.**

**V. EXTENSIONS:**

**4. #6313**

**(Case #BOA-001206-2020)**

**St Louis 554, LLC**

**151 North Cedar Street and 554 St. Louis Street**

**(Northwest corner of North Cedar Street and St. Louis Street).**

**Use Variance to allow a freestanding parking lot in an SD-WH, Special District – Warehousing Sub-District of the Downtown Development District; the Zoning Ordinance prohibits parking as a primary use on the property in an SD-WH, Special District – Warehousing Sub-District of the Downtown Development District.**

**Council District 2**

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

**After discussion, the Board approved the request for a 6-month extension.**

**5. #6314**

**(Case #BOA-001207-2020)**

**Mariner Mobile I, LLC**

**505, 507, & 515 St. Louis Street and 510 St. Michael Street**

**(Southeast corner of St. Louis Street, and North Cedar Street, extending to the Southwest corner of St. Louis Street and North Lawrence Street, and the Northeast corner of North Cedar Street and St. Michael Street).**

**Transparency Variance to allow reduced transparency in an SD-WH, Special District – Warehousing Sub-District of the Downtown Development District; the Zoning Ordinance requires a minimum of 80% transparency along a primary frontage, and 30% transparency along a secondary frontage for Shopfront frontage types in an SD-**

## BOARD OF ZONING ADJUSTMENTS - RESULTS

May 3, 2021

**WH, Special District – Warehousing Sub-District of the Downtown Development District.**

Council District 2

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

**After discussion, the Board approved the request for a 6-month extension.**

### VI. PUBLIC HEARINGS:

6. **#6377/5184/1274**

**(Case #BOA-001516-2021)**

**Victor Sign Co.**

**2900 Government Boulevard**

**(North side of Government Boulevard, 321'± West side of Brossett Street)**

**Sign Variance to allow four (4) wall signs for a single business site in a B-3, Community Business District; the Zoning Ordinance limits a single business site to no more than three (3) signs in a B-3, Community Business District.**

Council District 4

Motion to approve by Jeremy Milling. Second by Vernon Coleman. **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 is similar to the previous Sign Variance approved for the subject site;**
- 2) Special conditions (the limitation of the shape 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 simple business name change to signage in the existing wall locations.**

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

- 1) obtaining the necessary sign permit for the sign; and**
- 2) full compliance with all other municipal codes and ordinances.**

**BOARD OF ZONING ADJUSTMENT – RESULTS**

**May 3, 2021**

**7. #6378**

**(Case #BOA-001561-2021)**

**Petroimage**

**65 Cody Road North**

(Southwest corner of Cody Road North and Old Shell Road).

**Sign Variance to allow three wall signs and one freestanding sign for a business on a multi-tenant site in a B-2, Neighborhood Business District; the Zoning Ordinance limits businesses to one wall sign per public street frontage and one tenant panel on a multi-tenant site in a B-2, Neighborhood Business District.**

Council District 7

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

**After discussion, the Board determined the following findings of fact for Approval:**

- 1) Approving the variance request will not be contrary to the public;**
- 2) Special conditions do exist 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.**

**8. #6379**

**(Case #BOA-001564-2021)**

**Petroimage**

**2100 Dauphin Island Parkway**

(Southwest corner of Dauphin Island Parkway and Old Military Road).

**Sign Variance to allow a digital sign within 300' of a residentially zoned property in a B-2, Neighborhood Business District; the Zoning Ordinance requires a digital sign to be at least 300' from residentially zoned property in a B-2, Neighborhood Business District.**

Council District 3

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

**After discussion, the Board determined the following Findings of Fact for Approval of the digital pricing sign within 300' of residentially zoned property:**

- 1) Approving the variance will not be contrary to the public interest since digital pricing signs are commonly approved by the Board without incident;**
- 2) Special conditions exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship since the sign would face residentially zoned property that is used commercially;**

## BOARD OF ZONING ADJUSTMENTS - RESULTS

May 3, 2021

- 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 signage will not affect residentially used property.**

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

- 1) **Completion of the sign permit process including, but not limited to, full compliance with maximum brightness levels of the Sign Regulations; and,**
- 2) **Full compliance with all other municipal codes and ordinances.**

**9. #6380**

**(Case #BOA-001567-2021)**

**Thompson Properties, LLC**

**5715 Iron Works Road**

(East side of Iron Works Road, 342'± North of Larue Steiner Road).

**Use Variance to allow the distribution and storage of industrial gases in an I-1, Light Industry District; the Zoning Ordinance does not allow the distribution and storage of industrial gases in an I-1, Light Industry District.**

Council District 4

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

**After discussion, the Board determined the following findings of fact for Approval:**

- 1) **Approving the variance request will not be contrary to the public;**
- 2) **Special conditions do exist 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.**

**10. #6381**

**(Case #BOA-001573-2021)**

**Hand Arendall Harrison Sale, LLC**

**1445 East I-65 Service Road South**

(East side of East I-65 Service Road South, 600' South of Pleasant Valley Circle).

**Sign Variance to allow four (4) wall signs and a freestanding sign at a single business site in a B-3, Community Business District; the Zoning Ordinance allows a maximum of three (3) signs at a single business site in a B-3, Community Business District.**

Council District 4

Motion to approve by Lewis Golden. Second by Jeremy Milling. **Approved.**

William Guess - opposed

**BOARD OF ZONING ADJUSTMENT – RESULTS**

**May 3, 2021**

**After discussion, the Board determined the following findings of fact for approval of a Sign Variance to allow to allow four (4) wall signs and a freestanding sign at a single business site in a B-3, Community Business District:**

- 1) Approving the variance request will not be contrary to the public interest due to the fact that it will allow a fair opportunity for location identification;**
- 2) Special conditions appear to exist, primarily the positioning of the building on the site, 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 in that it will allow a business public street visibility which would ordinarily not be possible under existing conditions.**

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

- 1) limitation of the signs to the sizes as submitted in the application;**
- 2) the obtaining of the proper sign permits for the signs; and**
- 3) full compliance with all municipal codes and ordinances.**

**11. #6382**

**(Case #BOA-001574-2021)**

**Bethel Engineering**

**4103 Ridgelawn Drive**

**(South side of Ridgelawn Drive, 215'± West of Ridgelawn Drive East).**

**Setback Variance to allow a ten-foot rear yard rear street setback and an eight-foot-high wall along the rear street property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 25' rear yard rear street 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 Jeremy Milling. Second by Vernon Coleman. **Approved.****

**After discussion, the Board determined the following findings of fact for approval of requests for a ten-foot rear yard rear street setback and an eight-foot-high wall along the rear 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;**

**BOARD OF ZONING ADJUSTMENTS - RESULTS**

May 3, 2021

- 2) Special conditions exist, such as the fact that other properties within the neighborhood have fences and walls on the street property line, and reduced 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 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.

12. #6383/4797/4783/671

(Case #BOA-001575-2021)

**RGH Midtown, LLC (Stephen Howle, Agent)**

**1812 Old Shell Road**

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

**Parking Variance to allow reduced parking for a mixed-use development in a B-2, Neighborhood Business District; the Zoning Ordinance requires full compliance with minimum parking requirements in a B-2, Neighborhood Business District.**

Council District 1

Motion to deny by Sandford Davis. No second made. Motion failed.

Motion to approve by William Guess. Second by Adam Metcalfe. **Approved**

Sandford Davis opposed.

Lewis Golden recused.

**Staff recommends to the Board the following findings of facts for Approval of the Parking Ratio Variance request:**



## **BOARD OF ZONING ADJUSTMENT – RESULTS**

**May 3, 2021**

- 1) Approving the variance will not be contrary to the public interest in that the allowance of reduced parking will allow on-site parking not otherwise present for the site;**
- 2) Special conditions (existing site constraints) 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 necessity for off-site parking will be reduced.**

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

- 1) the site is only allowed a shortage of four (4) parking spaces;**
- 2) revision of the site plan to detail the change in parking data and illustrate the increased patio area;**
- 3) submission to and approval by Planning and Zoning of two (2) copies of a revised site plan prior to the issuance of any permits; and**
- 4) full compliance with all other municipal codes and ordinances.**

### **V. OTHER BUSINESS:**