

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

November 2, 2020 - 2:00 P.M.

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
x	Jeremy B. Milling
x	John Burroughs

III. ADOPTION OF THE AGENDA:

Motion to adopt by Vernon Coleman. Second by Adam Metcalfe. **Adopted.**

IV. HOLDOVERS:

1. **#6346 – WITHDRAWN BY APPLICANT**
(Case #BOA-001363-2020)
Shaun Small
5651 Three Notch Road
(South side of Three Notch Road, 440'± West of Old Pascagoula Road).
Off-Site Parking Variance to allow the use of temporary off-site parking in a B-3, Community Business District; the Zoning Ordinance requires all parking to be provided on-site in a B-3, Community Business District.
Council District 2
2. **#6350**
(Case #BOA-001394-2020)
Sharon Pate
256 Oak Drive
(South side of Oak Drive, 125'± East of St. Stephens Road).

Use Variance to allow ten (10) children in a home-based child day care business in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow more than six (6) children in a home-based child day care business in an R-1, Single-Family Residential District.
Council District 2

Motion to approve by Sanford Davis. Second by William Guess. **Approved.**
Lewis Golden opposed.

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

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

The approval is subject to the following conditions:

1. **Compliance with all requirements of the Alabama Department of Human Resources for daycare facilities with 10 children;**
2. **Compliance with all Fire requirements for daycare facilities with 10 children; and**
3. **Full compliance with all other municipal codes and ordinances.**

V. PUBLIC HEARINGS:

3. **#6351/4786/4511**
(Case #BOA-001365-2020)
PCI Support Services
65 Government Street

(Southeast corner of Government Street and South Royal Street extending to the Southwest corner of Government Street and South Water Street).

Sign Variance to allow an undefined sign type in a T-6, Mixed-Use of High Intensity Sub-District of the Downtown Development District; the Zoning Ordinance requires all signage to comply with current design standards in a T-6, Mixed-Use of High Intensity Sub-District of the Downtown Development District.

Council District 2

Motion to approve by Adam Metcalfe. 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 will allow better recognition of a sign on an expansive wall;
- 2) Special conditions (the site faces a major street with generally rapid moving traffic) 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 public facility which might not ordinarily be possible under the DDD signage limitations.

The Approval is subject to the following conditions:

- 1) signage to comply with the design and size as submitted with this application;
- 2) obtaining of the necessary sign permit;
- 3) submission to Planning and Zoning of the required application approval from the City of Mobile; and
- 4) full compliance with all other municipal codes and ordinances.

4. #6352/3495/3337/2354/1697
(Case #BOA-001392-2020)

Selwonk Enterprises

366 Burton Avenue

(Southeast corner of Nall Street and Burton Avenue).

Use Variance to allow a duplex on a single lot 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 in an R-1, Single-Family Residential District.

Council District 1

Motion to approve by Jeremy Milling. Second by Vernon Coleman. **Approved.**

After discussion, the Board determined the following findings of facts for Approval of the Use Variance request:

- 1) Approving the variance will not be contrary to the public interest in that the use would be less intrusive to the surrounding neighborhood than previous uses granted for the site;
- 2) Special conditions (various other Use Variances have been granted within the area) 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 other two-family uses within the area.

The Approval is subject to the following conditions:

- 1) revision of the site plan to provide at least three (3) compliant parking spaces for the proposed duplex use;
- 2) placement of a note on the site plan stating the Traffic Engineering comments: *(Access to the site should be limited to the existing curb cut on Nall Street. Any changes to the size, location or design of the driveway must be approved by Traffic Engineering and confirm to AASHTO standards.)*;
- 3) submission to and approval by Planning and Zoning of a revised site plan prior to the re-submission for building permits; and
- 4) full compliance with all other municipal codes and ordinances.

5. **#6353/6156**
(Case #BOA-001399-2020)

Dan Buckley

3535 Spring Hill Avenue

(South side of Spring Hill Avenue extending to the North side of Irene Street; 293'± West of Avalon Street).

Use Variance to allow a second dwelling on a single lot 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 in an R-1, Single-Family Residential District.

Council District 7

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

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

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

The approval is subject to the following conditions:

1. **The house and the garage apartment are to be operated off of one electrical service meter; and**
2. **The garage apartment can only be used by family members.**

6. **#6354**
(Case #BOA-001401-2020)

Steve Stone

52 Bienville Avenue

(West side of Bienville Avenue, 297'± North of Conti Street).

Setback Variance to allow construction of a deck and shed with reduced side and rear yard setbacks in an R-1, Single-Family Residential District; the Zoning Ordinance requires full compliance with side and rear yard setbacks in an R-1, Single-Family Residential District.
Council District 2

Motion to approve by Vernon Coleman. Second by Lewis Golden. **Approved.**

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

- 1) **Approving the variance request will not be contrary to the public interest due to the fact that similar variances have been approved within the vicinity of this site;**
- 2) **Special conditions appear to exist, primarily the prevailing setbacks of other similar structures within the area. 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 residential additions harmonious with the existing dwelling.**

The approval is subject to the following conditions:

- 1) **provision of revised drawings for the file reflecting the modified building setback for the shed, and the removal of the proposed deck roof and replacement with a pergola prior to any request for permits;**
- 2) **building site coverage of all structures on site not to exceed 35%;**
- 3) **the obtaining of the proper permits for the construction of the wood shed and deck;**
- 4) **the provision of gutters and downspouts along the South side and rear of the proposed wood shed; and**
- 5) **full compliance with all municipal codes and ordinances.**

7. **#6355**
(Case #BOA-001404-2020)
Car Time, LLC (Jackie Nguyen, Agent)
4045 Cottage Hill Road

(Southeast corner of Cottage Hill Road and Wildwood Drive).

Use Variance to allow for internet automotive wholesale in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow for internet automotive wholesale in a B-2, Neighborhood Business District.

Council District 4

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

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

- 2) Granting the variance will not be contrary to the public interest;
- 3) Special conditions and hardships do exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 4) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance.

The approval should be subject to the following conditions:

- 1) The property shall only be used for clerical / office uses associated with automotive sales; and
- 2) There shall be no storage, display, or sale of vehicles from the location.

8. #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 an increase in the maximum allowable signage for all signs for a property within the Leinkauf Historic District in a B-2, Neighborhood Business District; the Zoning Ordinance limits the maximum allowable signage for all signs to a total of 64 square feet for properties within the Leinkauf Historic District in a B-2, Neighborhood Business District.

Council District 2

Motion to Holdover by Jeremy Milling. Second by Vernon Coleman. **Heldover until the December 7 meeting.**

After discussion, the Board Heldover the application to the December 7, 2020 meeting, as the applicant was not present.

9. #6357
(Case #BOA-001411-2020)
Lori Smith dba Florida Certified Sign Erectors
6301 Cottage Hill Road

(Southwest corner of Cottage Hill Road and Lloyds Lane).

Sign Variance to allow for digital signage within 300' of residentially zoned property in a B-2, Neighborhood Business District; the Zoning Ordinance requires all digital signage to be placed a minimum of 300' away from any residentially zoned property.

Council District 6

Motion to approve by Adam Metcalfe. 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 will allow the applicant to expedite menu and pricing revisions for enhanced customer service within a drive-thru ordering lane;
- 2) Special conditions (the limitation of not being able to upgrade to more efficient digital technology) 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 compensate for an archaic limitation in the sign regulation provisions of the Zoning Ordinance.

The Approval is subject to the following conditions:

- 1) signage to comply with the dimming requirements of Section 64-11.8.c.(7)(a)vii of the Zoning Ordinance;
- 2) obtaining the necessary sign permit for the sign; and
- 3) full compliance with all other municipal codes and ordinances.

10. #6358
(Case #BOA-001412-2020)

Natasha Hill

7160 Old Military Road

(South side of Old Military Road; 204'± South of Gipson Road).

Use Variance to allow ten (10) children in a home-based child day care business in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow more than six (6) children in a home-based child day care business in an R-1, Single-Family Residential District.

Council District 4

Motion to approve by Vernon Coleman. Second by Adam Metcalfe. **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;
- 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.

The approval is subject to the following conditions:

1. Compliance with all requirements of the Alabama Department of Human Resources for daycare facilities with 10 children;

2. **Compliance with all Fire requirements for daycare facilities with 10 children;
and**
3. **Full compliance with all other municipal codes and ordinances.**

11. **#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 Vernon Coleman. Second by Jeremy Milling Metcalfe.

Heldover until the December 7 meeting.

After discussion, the Board Heldover the application to the December 7, 2020 meeting, at the request of the applicant.

V. **OTHER BUSINESS:**