

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

September 14, 2020 - 2:00 P.M.

Meeting livestreamed.

I. CALL TO ORDER:

Vice-Chairman Sanford Davis

II. ROLL CALL

| | |
|---|--|
| x | William L. Guess, Chairman (arrived late at 2:30 PM) |
| 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, Shameika Lee, Bert Hoffman, John Strope

III. HOLDOVERS:

| | |
|----|---|
| 1. | <p>#6336/6162 (Case #BOA-001331-2020) <u>David M. Shumer (Barton & Shumer Engineering, LLC)</u> 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 Lot Lighting, Parking and Access/Maneuvering Surface Variances to allow reduced parking lot lighting in a parking lot with an aggregate surface on a commercial site in an LB-2, Limited Neighborhood Business District; the Zoning Ordinance requires full compliance with parking lot lighting requirements as well as 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</p> |
|----|---|

Board of Zoning Adjustment - RESULTS
September 14, 2020

| | |
|-----------|---|
| | <p>Motion to approve by Jeremy Milling. Second by Lewis Golden. Approved, with William Guess abstaining from the vote due to late arrival.</p> |
| | <p>After discussion, the Board determined the following Findings of Fact for Approval of the Parking and Access/Maneuvering Surface Variance requests:</p> <ol style="list-style-type: none"> 1) approving the variance will not be contrary to the public interest as the site is located in a historic district where other aggregate parking is common; 2) special conditions do exist such that aggregate parking would be consistent with the development of the area; and 3) the spirit of the chapter would be observed and substantial justice done to the surrounding neighborhood by granting the variance. <p>The Approval is subject to the following conditions:</p> <ol style="list-style-type: none"> 1) the provision of compliant paving for fire department access; 2) the provision of paved handicap accessible parking; and 3) full compliance with all municipal codes and ordinances. <p>After discussion, the Board determined the following Findings of Fact for Approval of the Parking Lot Lighting Variance request:</p> <ol style="list-style-type: none"> 1) approving the variance request will not be contrary to the public interest in that the parking lot lighting will fit in with the existing structures on the site; 2) special conditions with the site or unusual site constraints do exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; 3) 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 the proposed lighting will be in keeping with the character of the site and existing neighborhood/area. |
| | <p>Chairman Guess takes over from Vice-Chairman Davis.</p> |
| <p>2.</p> | <p>#6339/5800 (Case #BOA-001334-2020) <u>Africatown Community Development Corporation</u> 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</p> |

Board of Zoning Adjustment - RESULTS
September 14, 2020

| | |
|------------------|---|
| | <p>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</p> <p>Motion to approved by Adam Metcalfe. Second by John Burroughs. Motion fails due to a lack of five affirmative votes (four in favor, two in opposition). Denied.</p> <p>After discussion, the motion to approve the request failed due to a lack of affirmative votes, thus the request was Denied.</p> |
| <p>3.</p> | <p>#6342 (Case #BOA-001337-2020) <u>Metcalf & Company (Brian Metcalfe, Agent)</u> 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</p> |

Motion to approve by Jeremy Milling. Second by Sanford Davis. **Approved**, with Adam Metcalfe recusing.

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

- 1) Approving the variance will not be contrary to the public interest because the proposed changes to the site are in keeping with the character of the existing development;**
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the FBI has unique requirements related to security that other sites do not have; 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:

Board of Zoning Adjustment - RESULTS
September 14, 2020

- 1) Obtain associated building permits; and
- 2) Full compliance with all municipal codes and ordinances.

Chairman Guess departs meeting due to hurricane preparations. Vice-Chairman Davis chairs remainder of meeting.

IV. PUBLIC HEARINGS:

| | |
|-----------|--|
| 4. | <p>#6343 (Case #BOA-001343-2020) <u>Wrico Signs (for Porsche of Mobile)</u> 1533 East I-65 Service Road South (East side of I-65, ¼ mile± South of Pleasant Valley Circle). Sign Variance to allow three (3) wall signs and one (1) freestanding sign on a single business site in a B-3, Community Business District; the Zoning Ordinance limits single business sites to a maximum of three (3) signs with no more than one (1) freestanding sign in a B-3, Community Business District. Council District 4</p> |
| | <p>Motion to approve by Jeremy Milling. Second by Lewis Golden. Approved.</p> <p>After discussion, the Board determined the following Findings of Fact for Approval:</p> <ol style="list-style-type: none"> 1) Based on the fact that other automobile dealerships have been granted similar requests in the past, the variance will not be contrary to the public interest; 2) This special condition (the affiliated manufacturer requires the signage package proposed) exists 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 in that the site will be afforded branding identification required by the affiliated vehicle manufacturer. <p>The Approval is subject to the following conditions:</p> <ol style="list-style-type: none"> 1) obtaining of the necessary sign permit for the proposed sign; and 2) full compliance with all other municipal codes and ordinances. |
| | |
| 5. | <p>#6344 (Case #BOA-001360-2020) <u>Gary Beasley II</u> 741 Lakeside Drive West</p> |

Board of Zoning Adjustment - RESULTS
September 14, 2020

| | |
|------------------|--|
| | <p>(East side of Lakeside Drive West, 93'± North of Lakeside Drive South). Tree Planting, Front Landscape Area, Side Yard Setback, and Multiple Structures Variances to allow the construction of a second primary structure and connecting canopy on a single building site less than 5' from a side property line with reduced tree and landscaping in a B-3, Community Business District; the Zoning Ordinance requires full compliance with tree and landscape area requirements, a minimum side yard width of 5', and a separate building site for each structure other than an accessory structure in a B-3, Community Business District. Council District 4</p> |
| | <p>Motion to approve by Adam Metcalfe. Second by Jeremy Milling. Approved.</p> <p>After discussion, the Board determined the following Findings of Fact for Approval of the Tree Planting, Front Landscape Area, Side Yard Setback, and Multiple Structures Variance requests:</p> <ol style="list-style-type: none"> 1) Approving the variances will not be contrary to the public interest in that the requests will be in keeping with the character of the surrounding area; 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 will not change and traffic within the right-of-way should not be adversely affected. <p>The approval is subject to the following conditions:</p> <ol style="list-style-type: none"> 1) Donation of 13 heritage trees to the Mobile Tree Commission Tree Bank; 2) Obtaining of after-the-fact permits for the development; and 3) Full compliance with all other municipal codes and ordinances. |
| | <p>Staff informed by building security that meeting must be ended due to the securing of Government Plaza for the pending arrival of Hurricane Sally.</p> |
| <p>6.</p> | <p>#6345/6093 (Case #BOA-001361-2020) <u>Temple Lodge LLC (Casey Pipes, Agent)</u> 55 North Warren Street (Northwest corner of St. Francis Street and North Warren Street, extending to the Southwest corner of St. Michael Street and North Warrant Street). Transparency Variance to allow reduced transparency in a T5.1, Mixed Use of Medium Intensity Sub-District of the Downtown Development District; the Zoning Ordinance requires a minimum 15% transparency for each floor of a building's façade in a T5.1, Mixed Use of Medium Intensity Sub-District of the Downtown</p> |

Board of Zoning Adjustment - RESULTS
September 14, 2020

| | |
|-----------|---|
| | <p>Development District. Council District 2</p> |
| | <p>Motion to approve by Adam Metcalfe. Second by Jeremy Milling. Approved.</p> <p>After discussion, the Board determined the following Findings of Fact for Approval of the requests:</p> <ol style="list-style-type: none"> 1) Approving the variance will not be contrary to the public interest in that similar Transparency Variance requests in the vicinity have previously been approved by the Board; 2) Special conditions were illustrated such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as privacy would be reduced and increased heat gain would occur; 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 integrity of the proposed structure will be preserved. <p>The approval is subject to the following conditions:</p> <ol style="list-style-type: none"> 1) Full compliance with all other municipal codes and ordinances. |
| <p>7.</p> | <p>#6346 (Case #BOA-001363-2020) <u>Shaun Small</u> 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 4</p> |
| | <p>Motion to Holdover by (<i>inaudible</i>). Second by Adam Metcalfe. Heldover.</p> <p>After discussion, the Board Heldover the request to the October 5, 2020 meeting, with revisions due by September 21st to allow the applicant time to provide the following information:</p> <ol style="list-style-type: none"> 1) Provision of a revised site plan illustrating the location and compliance of all proposed temporary parking spaces on abutting properties; and 2) Provision of signed statements and verifiable ownership documents from abutting property owners permitting their property to be used for temporary parking associated with the subject property. |

Board of Zoning Adjustment - RESULTS
September 14, 2020

| | |
|----|---|
| 8. | <p>#6347/6335/6243/5603 (Case #BOA-001364-2020) <u>The Fernbank Apartments, LLC</u> 1400 Church Street (Northwest corner of Church Street and Everett Street). Surfacing Variance to allow gravel surfacing for a parking lot in an R-1, Single-Family Residential District; the Zoning Ordinance requires all parking to be paved with asphalt, concrete, asphaltic concrete, or an approved alternative paving surface for parking lots in an R-1 Single Family Residential District. Council District 2</p> <p>Motion to approve by Adam Metcalfe. Second by Lewis Golden. Approved.</p> <p>After discussion, the Board determined the following Findings of Fact for Approval of the Surfacing Variance request:</p> <ol style="list-style-type: none">1) Approving the variance will not be contrary to the public interest in that the use would be consistent with the original architectural aesthetics 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; and3) 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. <p>The approval is subject to the following conditions:</p> <ol style="list-style-type: none">1) completion of the Architectural Review Board review process with regards to the proposed gravel surfacing;2) compliance with Engineering comments (<i>If the aggregate surfacing is approved for use the applicant will need to have the following conditions met: 1. Submit and receive a Land Disturbance Permit through Central Permitting for the proposed site development. 2. Aggregate surfacing will NOT be allowed within the public ROW. 3. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt).</i>);3) compliance with Traffic Engineering comments (<i>If gravel surface is an acceptable use for this site, the gravel should not extend into the right of way. Required on-site parking, including ADA handicap spaces, should meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.</i>); and4) full compliance with all municipal codes and ordinances. |
|----|---|

V. OTHER BUSINESS:

Meeting adjourned at 4 01 PM.