

**BOARD OF ZONING ADJUSTMENT**

**RESULTS AGENDA**

**December 6, 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>	Lewis Golden
<b>X</b>	Adam Metcalfe
<b>X</b>	Jeremy B. Milling
<b>X</b>	William Carroll, III.
<b>X</b>	Gregory Morris, Sr.

**Staff:** Doug Anderson, Margaret Pappas, Marie York, Bert Hoffman, Victoria Burch, Marybeth Bergin

**III. ADOPTION OF THE AGENDA:**

Motion by Adam Metcalfe. Second by Greg Morris. **Adopted.**

**IV. HOLDOVERS:**

**1. #6409**

**(Case #BOA-001725-2021)**

**Doris Bettis**

**2662 Fillingim Street**

(North side of Fillingim Street, 100'± West of Mobile Street).

**Parking Ratio Variance to allow a reduced number of parking spaces for a church in an R-1, Single-Family Residential District; the Zoning Ordinance requires full compliance with the required number of parking spaces for a church in an R-1, Single-Family Residential District.**

Council District 1

Applicant provided staff site plan and it complies with min parking requirements and no action is needed by this board and the application is withdrawn.

**After discussion, the Board allowed the applicant to withdraw their application. **Withdrawn.****

**BOARD OF ZONING ADJUSTMENTS – RESULTS AGENDA**  
**December 6, 2021**

**IV. PUBLIC HEARINGS:**

**2. #6429/6368**

**(Case #BOA-001850-2021)**

**Janael Moguel**

**1409 Greenbrier Drive**

(East side of Greenbrier Drive, 270'± South of Halls Mill Road).

**Use Variance to allow a commercial child daycare center in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow a commercial child daycare center in an R-1, Single-Family Residential District.**

Council District 4

Motion to approve by Adam Metcalfe. Second by Greg Morris. **Approved.**

**The Board finds the following findings of fact for Approval:**

- 1) Approving the variance will not be contrary to the public interest;**
- 2) Special conditions do 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 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) Limited to a maximum of 12 children;**
- 2) Compliance with all Fire requirements for daycare facilities with 12 children; and**
- 3) Full compliance with all other municipal codes and ordinances.**

**3. #6430**

**(Case #BOA-001852-2021)**

**Jeff and Mary Ann Harrison**

**7 Demouy Avenue**

(East side of Demouy Avenue, 247'± South of Dauphin Street).

**Side Yard Setback Variance to allow a pergola within the required side yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance requires that all structures meet the required side yard setback in an R-1, Single-Family Residential District.**

Council District 2

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

William Guess opposed.

**BOARD OF ZONING ADJUSTMENT – RESULTS AGENDA**  
**December 6, 2021**

Robert Dueitt Construction, 856 Nassau Drive, Mobile, was present and discussed the deck. No one present for or against the application. Mr. Dueitt stated that the deck was open, and the neighbor didn't mind it being over a foot. Motion to Approve made by Adam Metcalf and second Lewis Golden. Motion passed. William Guess voted in opposition.

**The Board finds the following findings of fact for Approval:**

- 1) **Approving the variance will not be contrary to the public interest;**
- 2) **Special conditions do 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 be observed, and substantial justice shall be done to the surrounding neighborhood by granting the Variance.**

**4. #6431/3924**

**(Case #BOA-001857-2021)**

**Frankie Smith**

**960 South Lawrence Street**

**(Northwest corner of South Lawrence Street and South Carolina Street).**

**Front Yard and Side Street Side Yard Setback Variances to allow a building addition within the required front and side street side yard setbacks in an I-1, Light Industry District; the Zoning Ordinance requires full compliance with the front yard and side street side yard setback requirements in an I-1, Light Industry District.**

**Council District 3**

**Motion to holdover by William Guess. Second by Greg Morris. Heldover to the January 10, 2022 meeting.**

Frank Smith 3672 Longcherry Court, Mobile. Mr. Guess asked that this be held over to Jan meeting. Mr. Smith stated that he would need a certified land survey, but he didn't think it needed it. We are requesting an adjustment. It's only 13 feet of property. MPappas discussed the issues on the property. Mr. Smith stated that he was a surveyor for 40 years and he measured the property. MPappas needs property line dimensions. Doug Anderson stated we need to know the right of way on Carolina Street. Mr. Smith understood. Mr. Morris asked about the driveway side of the property. Mr. Smith stated it belongs to a family and they are not interested in selling. Mr. Smith stated South Carolina can handle traffic. After discussion, the Board heldover this application to the January 10, 2022, meeting to allow the applicant to submit a certified survey/site plan for review. The survey/site plan should be submitted no later than December 15<sup>th</sup>.

**After discussion, the Board heldover this application to the January 10, 2022, meeting to allow the applicant to submit a certified survey/site plan for review. The survey/site plan should be submitted no later than December 15<sup>th</sup>.**

BOARD OF ZONING ADJUSTMENTS – RESULTS AGENDA

December 6, 2021

5. #6432/1319

(Case #BOA-001861-2021)

Jeffery E. Quinnelly

**3650 Old Shell Road**

(North side of Old Shell Road, 97'± West of Bishops Lane North, extending to the West side of Bishops Lane North, 206'± North of Old Shell Road).

**Multiple Buildings on a Single Building Site, Front Yard Setback, Parking Ratio, Frontage Landscaping, and Frontage and Perimeter Tree Planting Variances to allow multiple buildings on a single building site, with one building encroaching into the required front yard setback, a reduced number of parking spaces, reduced frontage landscaping, reduced frontage tree plantings and no perimeter tree plantings in a B-3, Community Business District; the Zoning Ordinance does not allow more than one building per building site, requires a compliant front yard setback, a compliant number of parking spaces for uses, compliant frontage landscaping area, and compliant frontage and perimeter tree plantings in a B-3, Community Business District.**

Council District 7

Motion to holdover by Adam Metcalfe. Second by Greg Morris. **Heldover to the January 10, 2022 meeting.**

After discussion, the Board heldover this application to the January 10, 2022, meeting with complete mailing labels and associated fees to be submitted by noon, Friday, December 10<sup>th</sup>.

6. #6433

(Case #BOA-001862-2021)

Barton & Shumer Engineering, LLC (David Shumer, Agent)

**1101 Dauphin Street**

(Southwest corner of Dauphin Street and South Hallett Street).

**Side Street Side Yard Setback, Off-Street Loading, Parking Ratio and Maneuvering Area Variances to allow a structure to encroach into the required side street side yard setback, no designated on-site loading area with on-street loading, a reduced number of parking spaces, and reduced vehicle maneuvering area in a B-2, Neighborhood Business District; the Zoning Ordinance requires structures to be located out of required side street side yard setbacks, a compliant on-site loading area, a compliant number of parking spaces, and compliant vehicle maneuvering area in a B-2, Neighborhood Business District.**

Council District 2

Motion to holdover by Adam Metcalfe. Second by Jeremy Milling. **Heldover to the January 10, 2022 meeting.**

**BOARD OF ZONING ADJUSTMENT – RESULTS AGENDA**

**December 6, 2021**

David Shumer 3213 Midtown Park South. Mr. Guess asked if the applicant was in agreement with staff recommendations. Mr. Shumer stated yes. MPappas discussed the removal of drive-thru and additional parking. Mr. Shumer stated he wanted to save greenspace and not make so many parking spots. MPappas stated they are required 12 and they have 8. Mr. Shumer stated that the city won't approve the 4 parking spaces due to space. Applicant was in agreement with all other conditions. Mr. Milling asked about the use for the building or is he going to lease the building. Mr. Metcalf discussed the asphalt driveway and the parking issue. Jeff Quinnelly, owner, was present. Mr. Guess asked if he has a business in mind. Mr. Quinnelly stated they can't get anything without the parking variance. Mr. Quinnelly stated that they will make it nice as possible if he gets help. Taylor Atchison 1108 Dauphin St. He's here as a neighbor. He supports Mr. Quinnelly, and this property has been a struggle. We should be willing to deal with the developer and get this property back in shape. MPappas stated we have 1 email in opposition from Rebecca Ferguson. Rachel Aune 352 S. Ann St. The drive-thru is going to come out on Dauphin and the traffic will be bad. If that happens if cars are lined up, we can't see. Melissa King 8 S Hallet St., stated that they have met with neighbors, and she's gotten permission from the neighbors on Hallet to speak and they are in opposition to this. We have enough traffic on the street. We don't want parking in front of our home. Mr. Davis asked if the neighbors wanted something there or what would they like to see. Ms. King stated that the drive thru was the problem. Metcalf asked if the drive thru noise or traffic the problem and she was stated both. Metcalf asked how much space is between the order board and street. MPappas stated about 50 feet. Shumer stated that the order window is close to the setback line. It meets the city ordinance. Ms. King stated that they are being told it's a coffee shop but what if it's not. Mr. Davis asked if traffic engineering has something to say. Mary Beth stated that we don't know how to hold them to restrictions so they can que better and not be disruptive. Matt Anderson, 13 S Hallet St., discussed that they have a tremendous amount of traffic. He doesn't have anything against the coffee shop, but he knows how loud they can get and wants to meet with the developer. We haven't had communications with the developer, and we need to communicate with him. Matt is recommending a holdover and for the developer to meet with the community. Mr. Shumer stated that the drive-thru is important and he did speak with the developer regarding the noise early in the morning and the owner is willing to put up an 8ft fence. Mr. Quinnelly stated he wanted to put in an 8ft fence and evergreen buffer. Outside that, he doesn't know too much more he can do. The traffic is not

**BOARD OF ZONING ADJUSTMENTS – RESULTS AGENDA**

**December 6, 2021**

something we can predict. There is only so much you can do to buffer a residential area. I think an 8ft fence and evergreen is relevant without building 15ft wall. Metcalf asked the sq footage and Quinnelly stated 1200. Mr. Milling discussed that he has a hard time approving a drive thru with unknown purpose. Metcalf agrees with Jeremy and the owner/developer is jumping the gun a bit and he advised him to withdraw the application since he doesn't have any specific use. Mr. Quinnelly stated that he won't invest if they won't get a return on the investment. Mr. Milling asked that he hold it over and meet with the neighbors. There is noise and drive thru and those are the only two things the neighbors are concerned with on this. It does meet the city requirements. What are you holding it over for? Mr. Guess stated to speak with the neighbors and finding a tenant. MPppas needs dimension on the site plan and parking. Mr. Quinnelly will agree to hold it over and will share with the neighbors. Adam Metcalf made a motion to holdover to the next meeting. Second by Jeremy Milling. Holdover passed.

**After discussion, the Board heldover this application to the January 10, 2022, meeting to allow the applicant to address the following:**

- 1) Meet with neighbors about the proposed development; and**
- 2) Submit a revised site plan depicting parking on the rear of the site, the location of the proposed pickup window, and all queuing spaces.**

**7. #6434**

**(Case #BOA-001864-2021)**

**Rhoda White**

**7050 Pope Court**

**(West side of Pope Court, 255'± South of Washington Boulevard).**

**Front Yard Setback Variance to allow a mobile home within the required front yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance requires full compliance with the front yard setback requirements in an R-1, Single-Family Residential District.**

**Council District 4**

**Motion to approve by Adam Metcalfe. Second by Gregory Morris. **Approved.****

**The Board finds the following findings of fact for Approval:**

**BOARD OF ZONING ADJUSTMENT – RESULTS AGENDA**  
December 6, 2021

- 1) Approving the variance will not be contrary to the public interest in that it will preserve existing trees on the site;
- 2) Special conditions do exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as trees prevent the structure from being placed in a compliant location on the site; 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) revision of the site plan to note that the old RV is not to be used as a residence;
  - 2) obtain all necessary after-the-fact permits;
  - 3) placement of a note on the Final Plat stating Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.)*
  - 4) compliance with the 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);*
  - 5) compliance with the Fire-Rescue 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);* and
  - 6) full compliance with all municipal codes and ordinances.
8. #6435  
(Case #BOA-001865-2021)  
Paws on Pinehill (Gerald Byrd, Agent)  
407 and 409 Pinehill Drive  
(East side of Pinehill Drive, 208'± South of Government Street).  
Use Variance to allow pet boarding in a B-1, Buffer Business District; the Zoning Ordinance does not allow pet boarding in a B-1, Buffer Business District.  
Council District 5  
Motion to approve by Sanford Davis. Second by Greg Morris. **Approved.**

The Board finds the following findings of fact for Approval:



**BOARD OF ZONING ADJUSTMENTS – RESULTS AGENDA**

**December 6, 2021**

- 1) **Approving the variance will not be contrary to the public interest in that the use would be in support of an allowable use within the established zoning classification;**
- 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 existing use of the subject site.**

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

- 1) **the obtaining of a separate City business license or license code for pet boarding;**
- 2) **site is limited to the existing curb cuts, and any changes will require coordination with Traffic Engineering; and**
- 3) **full compliance with all municipal codes and ordinances.**

**9. #6436/6372/1011**

**(Case #BOA-001872-2021)**

**St. John's Deliverance Temple (Gerald Byrd, Agent)**

**2621 Ralston Road**

**(South side of Ralston Road, 244'± West of South Florida Street).**

**Site Coverage, Front Yard Setback, Rear Yard Setback, Residential Buffer, and Parking Variances to allow excess site coverage, reduced front yard and rear yard setbacks, no residential buffer, and no on-site parking for a church expansion in a B-2, Neighborhood Business District; the Zoning Ordinance requires site coverage allowance compliance, front yard and rear yard setback compliance, provision of a residential buffer, and requires all parking to be on-site for a church in a B-2, Buffer Business District.**

**Council District 5**

**Motion to approve by Greg Morris. Second by Jeremy Milling. **Approved****

**The Board finds the following findings of fact for Approval:**

- 1) **Approving the variance will not be contrary to the public interest in that the proposed addition will be in the same footprint as a previous structure on the site;**
- 2) **Special conditions do exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the previous structure was damaged beyond repair; 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 site will be developed in the same configuration as previously.**

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



**BOARD OF ZONING ADJUSTMENT – RESULTS AGENDA**  
**December 6, 2021**

- 1) **Approval of the associated Planned Unit Development and Rezoning applications; and**
- 2) **Full compliance with all municipal codes and ordinances.**

**V. OTHER BUSINESS:**