**BOARD OF ZONING ADJUSTMENT**

**RESULTS AGENDA**

**February 7, 2022**

**AUDITORIUM, GOVERNMENT PLAZA**

**I. CALL TO ORDER:**

 **Chairman William Guess**

**II. ROLL CALL**

|  |  |
| --- | --- |
| **X** | William L. Guess, Chairman |
| **X** | Sanford Davis, Vice-Chairman |
| **X** | Lewis Golden  |
| **X** | Adam Metcalfe  |
| **X** | Jeremy B. Milling |
| **X** | William Carroll, III. |
| **X** | Gregory Morris, Sr. |

**Staff:** Marie York, Victoria Burch, Logan Anderson, George Davis

**III. ADOPTION OF THE AGENDA:**

 Motion by Jeremy Milling. Second by Greg Morris. Adopted.

**IV. HOLDOVERS:**

**#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

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 Withdrawn.**

**V. EXTENSIONS:**

**2. #6398
(Case #BOA-001654-2021)**

**Barton & Shumer Engineering, LLC**

**2600 First Avenue**

(Northwest corner of First Avenue and Jessie Street).

**Use, Side Street Side Yard Setback, Dumpster Setback, Residential Buffer, Off-Street Loading, Parking Lot Screening and Tree Planting Variances to allow a grocery/convenience store with reduced side street side yard and dumpster setbacks, no on-site residential buffer, no off-street loading area, no parking lot screening, and no tree plantings in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow a grocery/convenience store in an R-1, Single-Family Residential District, and requires compliance with side street side yard setbacks, dumpster setbacks, residential buffers, off-street loading, parking lot screening and tree planting requirements for commercial uses.**

Council District 1

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

**After discussion, the Board approved the 12-month extension request.**

**VI.** **PUBLIC HEARINGS:**

**3. #6441**

**(Case #BOA-001916-2021)**

**Tonique Burns**

**870 Carleton Avenue**

(North side of Carleton Avenue at the North terminus of Wright Street).

**Use Variance to allow a maximum of 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 1

Motion to approve by Greg Morris. Second by Sanford Davis. 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 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.**

**4. #6442/6026/5917**

**(Case #BOA-001938-2022)**

**Mitchell Signs, Inc (Stephanie Nowell, Agent)**

**106 St. Francis Street**

(Northwest corner of St. Francis Street and North Royal Street).

**Sign Variance to allow increased size for upper building signs, increased number of upper building signs for a building less than 10 stories tall, and internally illuminated signage in a T-6 Sub-District of the Downtown Development District, and within a Historic District; the Zoning Ordinance limits the size of upper building signs and the number of building signs, and does not allow internally illuminated signage in a T-6 Sub-District of the Downtown Development District, and within a Historic District.**

Council District 2

Motion to approve by Greg Morris. Second by Sanford Davis. Approved.

Jeremy Milling recused.

**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 the signs have been approved by the Architectural Review Board (ARB) and the fact that adequate signage visibility for any business is necessary to both the business owner and customers alike;**
2. **Special conditions appear to exist, including the building size, location within a downtown environment, and prior ARB signage approval, that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**
3. **That the spirit of the chapter shall be observed, and substantial justice shall be done to the applicant and surrounding neighborhood by granting the variance since not approving the variance would result in an unnecessary hardship for the business owner due insufficient signage recognition.**

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

1. **signage to comply with the types and sizes as submitted with this application;**
2. **obtaining of the necessary sign permits; and**

**3) full compliance with all other municipal codes and ordinances.**

**5. #6443/6026/5917**

**(Case #BOA-001939-2022)**

**Mitchell Signs, Inc (Stephanie Nowell, Agent)**

**56 St. Joseph Street**

(Northeast corner of St. Joseph Street and St. Francis Street).

**Sign Variance to allow increased size for a corner projecting sign and internally illuminated signage in a T-6 Sub-District of the Downtown Development District, and within a Historic District; the Zoning Ordinance limits the size of corner projecting signs and does not allow internally illuminated signage in a T-6 Sub-District of the Downtown Development District, and within a Historic District.**

Council District 2

Motion to approve by Greg Morris. Second by Sanford Davis. Approved.

Jeremy Milling recused.

**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 re-use of a sign structure which has been an integral part of Downtown Mobile since the 1960’s;**

**2) Special conditions (the proposed sign has been approved by the National Park Service, the Alabama Historical Commission, and the Architectural Review Board) 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 the surrounding neighborhood by granting the variance since not approving the variance would be contrary to the opinion of national, state and local historic preservation entities.**

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

**1) signage to comply with the type and size as submitted with this application;**

**2) obtaining of the necessary sign permit;**

1. **approval of the sign by the Consolidated Review Committee; and**
2. **full compliance with all other municipal codes and ordinances.**

**VII. OTHER BUSINESS:**