

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

JANUARY 10, 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: Doug Anderson, Marie York, Logan Anderson, Bert Hoffman, Victoria Burch

III. ADOPTION OF THE AGENDA:

Motion by Jeremy Milling. Second by Gregory Morris. **Adopted.**

IV. HOLDOVERS:

1. #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 Adam Metcalfe. Second by Gregory Morris. **Heldover to the March 7, 2022 meeting.**

After discussion, the Board heldover the application to the March 7th meeting to allow the applicant additional time to submit a certified survey/site plan.

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2. #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 William Carroll. **Heldover to the February 7, 2022 meeting.**

After discussion, the Board heldover the application to the February 7th meeting at the applicant's request so they can meet with neighbors.

3. #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, Queuing Space, and Parking Space Dimension 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, reduced vehicle maneuvering area, reduced queuing spaces between the order station and service window, and sub-standard parking space dimensions 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, compliant vehicle maneuvering area, compliant queuing spaces, and compliant parking space dimensions in a B-2, Neighborhood Business District.

Council District 2

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

The Board finds the following Findings of Fact for Approval of the Off-Street Loading, Parking Ratio, Maneuvering Area and Parking Space Dimension Variance requests:

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- 1) the variance will not be contrary to the public interest, as similar requests have been approved for similar uses in the Midtown area;
- 2) special conditions exist, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship due to site constraints; 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 applicant is not proposing any expansion of the existing building.

The approval is subject to the following conditions:

- 1) provision of a sign prohibiting vehicles from blocking or parking on the adjacent driveway to the South;
- 2) revision of the site plan to depict a privacy fence at least six feet in height along the West property line;
- 3) revision of the site plan to indicate the existing concrete block wall on the South side of the site is at least six feet high, and no more than three feet high within twenty feet of the Hallett Street right-of-way, or the provision of a compliant residential buffer in that area;
- 4) subject to the Engineering comments: (*SIDE STREET SIDE YARD SETBACK, OFF-STREET LOADING, PARKING RATIO, & MANEUVERING AREA VARIANCES (New Use and Drive-thru):* *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 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.);*
- 5) placement of a note on the site plan stating the Traffic Engineering comments: (*Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.*);
- 6) approval by the Architectural Review Board for any exterior modifications;
- 7) revision of the plan to have only one drive thru window, located at the southwest corner of the building, providing four (4) queueing spaces between Dauphin Street and the window, and one (1) queueing space between the window and Hallett Street;

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- 8) revision of the rear parking area shifting the parking slightly to the east, designating the four (4) westernmost spaces as employee only; and
- 9) full compliance with all other municipal codes and ordinances.

V. PUBLIC HEARINGS:

4. #6437

(Case #BOA-001893-2021)

Lilian Bush

404 South Bayou Street

(West side of South Bayou Street, 112'± South of Savannah Street).

Site Coverage Variance to allow increased site coverage in an R-1, Single-Family Residential District; the Zoning Ordinance limits site coverage to 35% in an R-1, Single-Family Residential District.

Council District 2

Motion to approve by Gregory Morris. Second by Sanford Davis. **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 in that the subject site is unique in that it is the smallest lot in the block; 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 compliant handicap access requires larger dimensions for door openings, ramps, etc.

5. #6438

(Case #BOA-001897-2021)

Keith Parker

2217 Hoppin Street

(East side of Hoppin Street, 703'± North of Rosedale Road).

Use Variance to allow a duplex (two-family dwelling) in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow more than one dwelling unit in an R-1, Single-Family Residential District.

Council District 3

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

The Board finds the following Findings of Fact for Denial of the Use Variance request:

- 1) approving the variance will be contrary to the public interest in that the use would be contrary to the established zoning classification and use of both the site and surrounding neighborhood as single-family residential;

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- 2) special conditions were not 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 not be observed, and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the use would be incompatible to an established R-1 District.

6. #6439/4819/4342/2484

(Case #BOA-001900-2021)

(Byrd Surveying, Inc. (Gerald Byrd, Agent)

1451 Cedar Crescent Drive

(East side of Cedar Crescent Drive, 250'± South of South Drive).

Protection Buffer Variance to remove a condition of approval of a previously approved variance in an R-3, Multi-Family Residential District; the Zoning Ordinance requires a protection buffer in an R-3, Multi-Family Residential District.

Council District 3

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

The Board finds the following Findings of Fact for Approval of a Protection Buffer Variance to waive the requirement of a residential protection buffer along the South property line:

- 1) approving the variance requests will not be contrary to the public interest;
- 2) special conditions do appear to exist 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.

The approval is subject to the following conditions:

- 1) revision of the site plan to depict a privacy fence 8' in height along the East property line, parallel to Bay Front Road;
- 2) compliance with the remaining conditions of approval of the 1970 Rezoning (the provision of a storm fence and the planting of a compliant vegetative buffer around the remaining property lines, with the exception of the South property line); and,
- 3) completion of the Rezoning process to amend the conditions of the 1970 Rezoning to be compatible with the Variance Approval.

7. #6440

(Case #BOA-001903-2021)

L & A Investments, LLC (Levy Seals, Agent)

345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369 and 371 West Highland Avenue

(East side of West Highland Avenue, 332'± South of Conception Street Road).

Use, Multiple Dwellings and Surface Variances to allow multi-family residential use, with multiple dwellings on a single site and grass parking surfaces in an R-1, Single-

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Family Residential District; the Zoning Ordinance allows only single-family residential use, with only one dwelling per site, and requires paving with asphalt, concrete, or an approved alternative paving surface for multi-family residential use in an R-1, Single-Family Residential District.

Council District 2

Motion to approve by William Guess. Second by Gregory 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 in that the dwellings have existed in their current locations since the 1960s; 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 provision of aggregate surfacing for off-street parking for each dwelling;**
- 2) confirmation that the site plan submitted is an accurate depiction of the site; and**
- 3) full compliance with all municipal codes and ordinances.**

VI. OTHER BUSINESS:

- **Election of Officers**
Motion to nominate William Guess as Chairman by Sanford Davis. Second by Jeremy Milling. **Approved unanimously.** William Guess abstained.
Motion to nominate Sanford Davis as Vice-Chairman by Gregory Morris. Second by William Guess. **Approved unanimously.**