

**BOARD OF ZONING ADJUSTMENT**

**RESULTS AGENDA**

July 11, 2022 - 2:00 P.M.

Auditorium, Government Plaza

**I. CALL TO ORDER:**

Chairman William Guess

**II. ROLL CALL**

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

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

**III. ADOPTION OF THE AGENDA:**

Motion to adopt by Jeremy Milling. Second by Adam Metcalfe. **Adopted.**

**IV. HOLDOVERS:**

**1. #6457/6125/5054**

(Case #BOA-002030-2022)

**Cummings Architecture (Sydney Boteler, Agent)**

**2100 Airport Boulevard**

(Northwest corner of Airport Boulevard and Glenwood Street and West side of Glenwood Street, 197'± North of Airport Boulevard).

**Parking Ratio and Off-Site Parking Variances to amend previously approved variances to allow parking on a separate property and within the public right-of-way and reduced parking in a B-3, Community Business District; the Zoning Ordinance requires all parking to be on-site, with a compliant amount of parking provided in a B-3, Community Business District.**

Council District 1

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

**After discussion, the Board determined the following Findings of Fact for Approval of the Off-Site Parking and Parking Ratio Variance Requests:**

- a) Approving the variance would not be contrary to the public interest because similar requests have been approved for this site previously;
- b) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the properties have been fully developed such that additional parking is not possible on site; and
- c) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance, as allowance of off-site parking and a reduced number of required parking spaces will enable the continued use of an existing structure within the neighborhood.

**2. #6460/6076**

**(Case #BOA-002042-2022)**

**Lyle Bobcat of Mobile (Sawgrass Consulting, LLC, Agent)**

**5340 Halls Mill Road and 4370 Rangeline Road**

(North side of Halls Mill Road, 690'± West of Rangeline Service Road South, extending to the East side of U.S. Highway 90 West).

**Front Setback and Tree Planting Variances to allow a structure and dumpster, both exceeding three-feet tall, in the front setback and reduced tree plantings in a B-3, Community Business District; the Zoning Ordinance requires all structures taller than three-feet to be located outside of the front setback, and full compliance with tree planting requirements in a B-3, Community Business District.**

Council District 4

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

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

- a) approving the variance request will not be contrary to the public interest in that the site could have been reconstructed within one year of the fire, without the need for bringing the site into compliance;
- b) special conditions with the site or unusual site constraints do exist that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as COVID-19 and material shortages delayed the applicant's ability to re-build within the allowed timeframe; and
- c) the spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variances because existing non-conformities in the area are common.

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

- 1) relocation of the proposed dumpster to be no closer to Halls Mill Road than the structure;
- 2) submittal of a revised site plan;
- 3) obtain all necessary permits; and
- 4) full compliance with all municipal codes and ordinances.

V. **PUBLIC HEARINGS:**

3. **#6461/6375**

(Case #BOA-002046-2022)

**Erik Eckhart**

**5535 and 5575 U.S. Highway 90 West**

(East side of U.S. Highway 90 West, 100'± North of Kooiman Road).

**Sign Variance to allow a total of seven (7) signs, with one being a 100-foot-high rise sign on a single-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance allows a single-tenant commercial site to have no more than three (3) signs, of which not more than one (1) may be freestanding, and not more than 35-foot tall in a B-3, Community Business District.**

Council District 4

Motion to holdover by Adam Metcalfe. Second by Jeremy Milling. **Heldover until August 1, 2022 meeting.**

**After discussion, the Board heldover the request until the August 1, 2022 meeting, at the request of the applicant.**

4. **#6462/5738**

(Case #BOA-002048-2022)

**Kendall Dumas**

**354 St. Francis Street**

(North side of St Francis Street, 53'± West of North Claiborne Street).

**Use Variance to allow operation of a freestanding parking lot in a T-5.1 Sub-District of the Downtown Development District; the Zoning Ordinance does not allow freestanding parking lots in a T-5.1 Sub-District of the Downtown Development District.**

Council District 2

Motion to holdover by Adam Metcalfe. Second by Gregory Morris. **Heldover until August 1, 2022 meeting.**

**After discussion, the Board heldover the request until the August 1, 2022 meeting, at the request of the applicant.**

5. #6463  
(Case #BOA-002049-2022)

Catarina Echols

355 North Ann Street

(West side of North Ann Street, 53'± North of Basil Street).

**Off-Site Parking Variance to allow off-site parking to be utilized for a house museum in an R-1, Single-Family Residential District; the Zoning Ordinance requires all required parking to be provided on-site for a house museum in an R-1, Single-Family Residential District.**

Council District 2

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

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

- a) Approving the variance will not be contrary to the public interest in that low levels of traffic are anticipated in association with the house museum;
- b) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the site is providing the maximum amount of parking on-site as possible, and has made arrangements with a nearby property owner to accommodate increased parking demands; and
- c) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance in that shuttling visitors to the site from off-site parking is preferable to visitors parking on the street or on other neighboring properties.

The approval is subject to the following conditions:

- 1) Provision of either bumper stops or curbing for pull-in parking spaces;
- 2) Obtain associated building permits; and
- 3) Full compliance with all municipal codes and ordinances.

6. #6464/4770  
(Case #BOA-002056-2022)

Deborah May

5032 Government Boulevard

(East side of Government Boulevard, 566'± North of Lansdowne Drive).

**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

**Board of Zoning Adjustment  
July 11, 2022**

Motion to holdover by Adam Metcalfe. Second by Jeremy Milling. **Heldover until August 1, 2022 meeting.**

**After discussion, the Board heldover the request until the August 1, 2022 meeting, at the request of the applicant.**

**7. #6465  
(Case #BOA-002067-2022)**

**Taylor Atchison  
553 Dauphin Street**

(South side of Dauphin Street, 26'± West of South Cedar Street).

**Site Variance to allow a non-compliant gallery frontage in a T-5.1 Sub-District of the Downtown Development District; the Zoning Ordinance requires new galleries to comply with design standards in a T-5.1 Sub-District of the Downtown Development District.**

Council District 2

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

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

- a) approving the variances will not be contrary to the public interest;**
- b) special conditions appear to exist, that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship in that the existing city infrastructure requires a gap in order to meet other dimensional requirements; and**
- c) the spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance because it will be in keeping with existing dimensional standards (depth) of balconies within the surrounding area.**

**8. #6466/6374  
(Case #BOA-002069-2022)**

**Sheridan Construction  
116 Myrtlewood Lane**

(East side of Myrtlewood Lane at the East terminus of Stein Avenue).

**Side and Rear Yard Setback Variances to allow an HVAC unit taller than three (3) feet within the side yard setback and stairs taller than three (3) feet within the rear yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance requires all structures taller than three (3) feet to meet the minimum side and rear yard setbacks in an R-1, Single-Family Residential District.**

Council District 4

Motion to approve by Jeremy Milling. Second by Lewis Golden. **Approved.**

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

- 1) The variance will not be contrary to the public interest;
- 2) Special conditions exist, including the topography of the site, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) The spirit of the chapter shall be observed, and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

9. #6467  
(Case #BOA-002070-2022)

**Jordan Kent Johns**

**1315 Creekway Drive**

(Northwest corner of Creekway Drive and Pinehaven Drive).

**Use Variance to allow two (2) residential dwellings on a single lot in an R-1, Single-Family Residential District; the Zoning Ordinance only allows one (1) residential dwelling per lot in an R-1, Single-Family Residential District.**

Council District 3

Motion to holdover by Adam Metcalfe. Second by Gregory Morris. **Heldover until August 1, 2022 meeting.**

After discussion, the Board heldover the request until the August 1, 2022 meeting, at the request of the applicant.

10. #6468  
(Case #BOA-002071-2022)

**Kimberly H. Rea**

**4519 Cypress Business Park Drive**

(West side of Cypress Business Park Drive, 346'± South of Crown Drive).

**Use Variance to allow operation of a day care in a B-5, Office-Distribution District; the Zoning Ordinance does not allow the operation of a day care in a B-5, Office-Distribution District.**

Council District 4

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

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

- 1) The variance will not be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice done to the

applicant and the surrounding neighborhood by granting the variance.

11. #6469/4539

(Case #BOA-002074-2022)

Tracy Diehl

3274 Dauphin Street

(North side of Dauphin Street, 350'± East of Interstate 65).

**Sign Variance to allow a total of 14 signs, some of which are located in the right-of-way for a single-business site in a B-3, Community Business District; the Zoning Ordinance limits single-business sites to a total of three (3) signs, with all signs to be located on private property in a B-3, Community Business District.**

Council District 1

Motion by Adam Metcalfe. Second by Gregory Morris. **Approved and Denied, as recommended.**

After discussion, the Board determined the following Findings of Fact for **Approval** of the Monument Sign on private property and two (2) Menu Board Signs:

- a) Approving the variance request will not be contrary to the public interest since the Board has approved similar requests for businesses within the vicinity of the subject site;
- b) Special conditions do appear to exist in such a way that a literal enforcement of the provisions of the chapter will result in unnecessary hardship since the site is located below the grade of an interstate interchange ramp and set back excessively from Dauphin Street due to an intersecting service road, thus reducing visibility of the site; and,
- c) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance because other businesses with similar visibility issues within the vicinity of the subject site have been allowed to have adequate signage.

The approval is subject to the following conditions:

- 1) Approval from the Right-of-Way Secondary Use Committee to allow the proposed signs to be placed within the right-of-way, prior to the approval of any Sign Permit;
- 2) Attainment of Sign Permits for each sign from the Planning and Zoning Department;
- 3) Attainment of Electrical Permits for each internally illuminated sign from the Central Permitting Department; and,
- 4) Compliance with all other Codes and Ordinances.

After discussion, the Board determined the following Findings of Fact for **Denial** of

**the Entrance Sign, two (2) Directional Signs, Dumpster Gate Sign, and seven (7) Marketing Signs:**

- a) Approving the variance request will be contrary to the public interest in that it will be contrary to at least Sections 64-11.6. and 64-11.8.c.(2) of the Zoning Ordinance regarding signage;**
- b) Special conditions do not appear to exist in such a way that a literal enforcement of the provisions of the chapter will result in unnecessary hardship since the Entrance Sign and two (2) Directional Signs do not require special approvals if placed on private property and any corporate logo removed, and because there is no justification provided for the requested Dumpster Gate Sign or seven (7) Marketing Signs; and**
- c) 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 there are no businesses within the vicinity of the subject site that have been granted approvals for such excessive amounts of signage.**

**VI. OTHER BUSINESS:**