

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

June 6, 2022 - 2:00 P.M.

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
	William Carroll, III.
X	Gregory Morris, Sr.

Staff: Jim Rossler, Marie York, Bert Hoffman, Victoria Burch, Elkie Williams, Mary Beth Bergin

III. ADOPTION OF THE AGENDA:

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

IV. PUBLIC HEARINGS:

1. #6453

(Case #BOA-002010-2022)

Ashley Ellis

104 Colvin Street

(West side of Colvin Street, 105'± South of Dauphinwood Drive).

Use Variance to allow an accessory structure to remain on a site without a dwelling in an R-1, Single-Family Residential District; the Zoning Ordinance requires a dwelling on a site in order to allow an accessory structure in an R-1, Single-Family Residential District.

Council District 1

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

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

- 1) Approving the variance will not be contrary to the public;
- 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 condition:

- 1) Vertical construction of a primary residence, with permits, to begin within six (6) months.

2. #6456

(Case #BOA-002024-2022)

Darron Wiley

4005 Moffett Road

(South side of Moffett Road, 118'± West of Oak Lane Drive).

Surfacing and Access and Maneuvering Area Variances to allow aggregate surfacing with insufficient access and maneuvering area in a B-3, Community Business District; the Zoning Ordinance requires all parking and maneuvering areas to be paved with asphalt, concrete, or an approved alternative paving surface, as well as compliant access and maneuvering areas in a B-3, Community Business District.

Council District 7

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

Access/Maneuvering Area Variance: After discussion, the Board determined the following Findings of Fact for Approval of the Access/Maneuvering Area Variance:

- 1) Approving the Access/Maneuvering Width Variance will not be contrary to the public interest due to the fact that the site is developed, and substandard access has been prevalent on-site since development;
- 2) Special conditions do appear to exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship because the site is developed and cross-access to adjacent sites would require additional approvals; and,
- 3) That the spirit of the chapter shall be observed, and substantial justice done to the surrounding neighborhood by granting the Access/Maneuvering Area

Variance since adjacent developments preclude options for expansion of the access aisle.

The approval is subject to:

- 1) Obtaining any permits necessary; and,
- 2) Full compliance with all municipal codes and ordinances.

Surfacing Variance: After discussion, the Board determined the Surfacing Variance is moot due to the fact that the applicant stated that they will pave the entire vehicular area.

The applicant should take note of the Engineering comments regarding the paving of the site:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through the CSS Portal.
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.

3. **#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).

Off-Site Parking, Landscaping and Maneuvering Variances to amend previously approved variances to allow parking on a separate property and within the public right-of-way, reduced landscaping on both the main business and off-site parking area, and vehicular maneuvering area within the public right-of-way for a multi-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance requires all parking to be on-site, the site to comply with the minimum landscaping ratios, and all vehicular maneuvering areas to be located out of the right-of-way for a multi-tenant commercial site in a B-3, Community Business District.

Council District 1

**Board of Zoning Adjustment - results
June 6, 2022**

Motion to holdover by Jeremy Milling. Second by Greg Morris. **Heldover.**

After discussion, the Board heldover the application to the July 11th meeting to allow staff time to properly advertise the Parking Ratio Variance request.

4. #6458

(Case #BOA-002031-2022)

James F. Watkins

103 Lanier Avenue

(Northwest corner of Lanier Avenue and Old Shell Road).

Side Street, Side Yard Setback Variance to allow a six (6)-foot high wall within a required side street, side yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance requires compliance with the side street, side yard setbacks in an R-1, Single-Family Residential District.

Council District 1

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

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

- 1) Approving the variance will not be contrary to the public;**
- 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.**

5. #6459

(Case #BOA-002039-2022)

Robert B. Groh

4041 Audubon Drive East

(South side of Audubon Drive East, 400'± East of the South terminus of Cole Drive East).

Side Yard Setback Variance to allow a garage addition within a required side yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow structures within a required side yard setback in an R-1, Single-Family Residential District.

Council District 4

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

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

- 1) Approving the variance will not be contrary to the public;**
- 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:

- 1) Provision of gutters and downspouts along the side of the structure less than five feet from the property line;
- 2) Obtain associated building permits; and
- 3) Full compliance with all municipal codes and ordinances.

6. **#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 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.

Motion to holdover by Adam Metcalfe. Second by Greg Morris. **Heldover.**

After discussion, the Board heldover the application to the July 11th meeting at the applicant's request.

V. **OTHER BUSINESS:**

• **#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 by Adam Metcalfe. Second by Lewis Golden. **Approved.**

After discussion, the Board confirmed the conditions associated with their January 10, 2022 approval, as follows:

- 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;
and
 - 7) full compliance with all other municipal codes and ordinances.
- Adoption of the 2022-2023 meeting and deadline schedule

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

**Board of Zoning Adjustment - results
June 6, 2022**

- **Home Based Daycares**