

**BOARD OF ZONING ADJUSTMENT**

**RESULTS AGENDA**

**NOVEMBER 1, 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
	Adam Metcalfe
<b>X</b>	Jeremy B. Milling
<b>X</b>	John Burroughs
<b>X</b>	Gregory Morris, Sr.

**Staff present: Margaret Pappas, Marie York, Logan Anderson, Doug Anderson, Victoria Burch, George Davis, Marybeth Bergin**

**III. ADOPTION OF THE AGENDA:**

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

**IV. PUBLIC HEARINGS:**

**1. #6423**

**(Case #BOA-001821-2021)**

**Baker Donelson (Andy Rotenstreich, Agent)**

**750 Congress Street**

(North side of Congress Street, 125'± West of Mamba Drive, extending to the Southwest corner of Mamba Drive and Lyons Street).

**Use Variance to allow a cellular telecommunications tower in a T-4 Mixed-Use Sub-District of Low Intensity of the Downtown Development District; the Zoning Ordinance does not allow a cellular telecommunications tower in a T-4 Mixed-Use Sub-District of Low Intensity of the Downtown Development District.**

Council District 2

Motion to approve by Jeremy Milling. Second by John Burroughs. **Approved.**

**After discussion, the Board determined the following findings of fact for Approval:**

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- 1) Approving the variance will not be contrary to public interest due to critical operations supported by the equipment;
- 2) Special conditions exist, including the need to minimize service interruptions while maintaining structural safety, that make the placement of the telecommunications tower necessary;
- 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 new tower will replace the existing tower, and the existing will be removed, resulting in nearly no change in the site.

The approval is subject to the following conditions:

- 1) Maintenance of the existing tree to the Southwest of the lease parcel;
  - 2) Removal of the existing tower once the new tower is complete and in operation;
  - 3) Compliance with Engineering comments: *(If the proposed variance is approved the applicant will need to have the following conditions met: 1. The proposed improvements will require a Land Disturbance Permit – Tier 2 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.); and*
  - 4) Full compliance with all other municipal codes and ordinances.
2. #6424/5430/4765/4557/4493/4402  
(Case #BOA-001831-2021)  
Renaissance Hotel (Wrico Signs, Inc., Agent)  
64 South Water Street  
(North side of Government Street, extending from South Water Street to South Royal Street).  
Sign Variance to allow one (1) monument sign, one (1) internally illuminated upper building sign over three (3) feet tall, and two (2) unspecified sign types in a T-6 Sub-District of Mixed-Use High Intensity of the Downtown Development District; the Zoning Ordinance does not allow monument signs, internally illuminated upper building signs over three (3) feet tall, or unspecified sign types in a T-6 Sub-District of Mixed-Use High Intensity of the Downtown Development District.  
Council District 2  
Motion to approve by Jeremy Milling. Second by John Burroughs. **Approved**.

After discussion, the Board determined the following findings of fact for Approval:

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- 1) Approving the variance request will not be contrary to the public interest due to the fact that in that the proposed signage package is similar to the existing signage;
- 2) Special conditions do appear to exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship due to the size and configuration of the hotel resulting in drivers being unable to see signage from various access points to the subject site; and
- 3) That 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 in that no additional signage is proposed beyond the number of signs already existing at the site.

The approval is subject to the following conditions:

- 1) Submittal of a CRC review application for the upper building sign;
- 2) Obtain sign permits; and
- 3) Full compliance with all municipal codes and ordinances.

3. **#6425**

(Case #BOA-001833-2021)

**Lamar Advertising**

(East side of South Conception Street, 365± North of Elmira Street).

**Sign Variance to allow an outdoor advertising sign in excess of 300 square feet per face, within 1,000 feet of another outdoor advertising sign, and within 500 feet of residentially zoned property in an I-1, Light Industry District; the Zoning Ordinance limits outdoor advertising signs to a maximum of 300 square feet per face, no closer than 1,000 feet of another outdoor advertising sign, and no closer than 500 feet of residentially zoned property in an I-1, Light Industry District.**

Council District 2

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

William Guess opposed.

After discussion, the Board determined the following findings of fact for Approval:

- 1) approving the variance request will not be contrary to the public interest; as the new sign will be the same size and height as the sign to be removed;
- 2) special conditions appear to exist such 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 done to the applicant and the surrounding neighborhood by granting the variance.

4. **#6426**

(Case #BOA-001834-2021)

**Lamar Advertising**

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**850 South Conception Street**

(Northwest corner of South Conception Street and Maryland Street)..

**Sign Variance to allow an outdoor advertising sign in excess of 300 square feet per face, in excess of 35 feet in height and within 1,000 feet of another outdoor advertising sign in an I-1, Light Industry District; the Zoning Ordinance limits outdoor advertising signs to a maximum of 300 square feet per face, with a maximum height of 35 feet, and no closer than 1,000 feet of another outdoor advertising sign in an I-1, Light Industry District.**

Council District 2

Motion to approve by John Burroughs. Second by Greg Morris. **Approved.**

**After discussion, the Board determined the following findings of fact for Approval:**

- 1) approving the variance request will not be contrary to the public interest;**
- 2) special conditions appear to exist such 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 done to the applicant and the surrounding neighborhood by granting the variance.**

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

- 1) If the associated ALDOT tree permit is approved, the sign height is limited to the height of the sign to removed; and**
- 2) Verification from Mr. Keith Jones, the adjacent property owner, that the new sign does not interfere with their communication equipment system.**

**5. #6427**

**(Case #BOA-001835-2021)**

**Lamar Advertising**

**956 South Lawrence Street**

(West side of South Lawrence Street, 93'± North of the East terminus of South Carolina Street).

**Sign Variance to allow an outdoor advertising sign in excess of 300 square feet per face, in excess of 35 feet in height, within 1,000 feet of another outdoor advertising sign, and within 500 feet of residentially zoned property in an I-1, Light Industry District; the Zoning Ordinance limits outdoor advertising signs to a maximum of 300 square feet per face, with a maximum height of 35 feet, no closer than 1,000 feet of another outdoor advertising sign, and no closer than 500 feet of residentially zoned property in an I-1, Light Industry District.**

Council District 3

Motion to approve by Jeremy Milling. Second by John Burroughs. **Approved.**

Lewis Golden opposed.

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**After discussion, the Board determined the following findings of fact for Approval:**

- 1) approving the variance request will not be contrary to the public interest;**
- 2) special conditions appear to exist such 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 done to the applicant and the surrounding neighborhood by granting the variance.**

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

- 1) If the associated ALDOT tree permit is approved, the sign height is limited to the height of the existing sign.**

**6. #6428**

**(Case #BOA-001836-2021)**

**Lamar Advertising**

**358 St. Emanuel Street**

**(West side of St. Emanuel Street, 115'± North of Palmetto Street).**

**Sign Variance to allow an outdoor advertising sign in excess of 300 square feet per face, and in excess of 35 feet in height in an I-1, Light Industry District; the Zoning Ordinance limits outdoor advertising signs to a maximum of 300 square feet per face, with a maximum height of 35 feet in an I-1, Light Industry District.**

**Council District 2**

**Motion to approve by William Guess. Second by Sanford Davis. **Approved**.**

**Lewis Golden opposed.**

**After discussion, the Board determined the following findings of fact for Approval:**

- 1) approving the variance request will not be contrary to the public interest;**
- 2) special conditions appear to exist such 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 done to the applicant and the surrounding neighborhood by granting the variance.**

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

- 1) That the sign be limited to 55-feet in height.**

**V. OTHER BUSINESS:**