

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

OCTOBER 4, 2021

MEETING TO BE HELD ONLINE

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	John Burroughs
x	Gregory Morris, Sr.

Staff: Marie York, Bert Hoffman, Doug Anderson, Logan Anderson, Victoria Burch

III. ADOPTION OF THE AGENDA:

Motion by Adam Metcalfe. Second by John Burroughs. Adopted.

1. #6415

(Case #BOA-001746-2021)

William R. Healy, Jr.

1209 Government Street

(South side of Government Street, 265'± West of Rapier Avenue).

Use Variance to allow a second dwelling unit at a residence in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow more than one dwelling unit at a residence in an R-1, Single-Family Residential District.

Council District 2

The applicant was present and requested to withdraw the application. The application was **Withdrawn.**

BOARD OF ZONING ADJUSTMENTS – RESULTS AGENDA

October 4, 2021

2. **#6409**
(Case #BOA-001725-2021)
Doris Bettis
2662 Fillingim Street
(North side of Fillingim Street, 100'± West of Mobile Street).
Parking Ratio Variance to allow a reduced number of parking spaces for a church in an R-1, Single-Family Residential District; the Zoning Ordinance requires full compliance with the required number of parking spaces for a church in an R-1, Single-Family Residential District.
Council District 1

Motion to holdover by Jeremy Milling. Second by John Burroughs. The application was **Heldover** until the December 6, 2021 meeting.

3. **#6412/6356/5279/5251/4007/3892/2258**
(Case #BOA-001739-2020)
MA Foodmart 1, LLC (Mohammed Suid, Agent)
1363 Government Street
(Southeast corner of Government Street and Everett Street).
Sign Variance to allow a freestanding digital pricing sign within 300' of residentially zoned property, and an existing canopy sign for more than 64 square feet in total signage at a single-tenant site in the Leinkauf Historic District in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow digital pricing signs within 300' of residentially zoned property and limits businesses in historic districts to no more than 64 square feet of signage in a B-2, Neighborhood Business District.
Council District 2

Motion to approve by Lewis Golden. Second by Greg Morris. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval of the freestanding digital pricing sign:

- 1) Approving the freestanding digital pricing sign variance request will not be contrary to the public interest due to the fact that a similar variance has been approved within the vicinity of this site;**
- 2) Special conditions do appear to exist, primarily previous approval of the same request, 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 surrounding neighborhood by granting the freestanding digital pricing sign variance as the Board previously determined it will not affect residentially used property.**

The approval is subject to the following conditions:

BOARD OF ZONING ADJUSTMENT – RECOMMENDATION AGENDA

October 4, 2021

- 1) The sign will retain a static display;**
- 2) The sign will be ground-mounted with no pylon;**
- 3) The size of the sign will retain its current dimensions;**
- 4) Approval by the Architectural Review Board;**
- 5) Obtaining of all required permits for the sign; and,**
- 6) Full compliance with all other municipal codes and ordinances.**

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

- 1) Approving the canopy sign variance will not be contrary to the public interest, as the existing sign is a portion of the overall signage approved in 2010 for the north canopy elevation;**
- 2) Special conditions exist (live oak trees in the abutting right-of-way) 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 surrounding neighborhood by granting the canopy sign variance because it will compensate for limitation in the signage allowances of the Zoning Ordinance.**

The approval is subject to the following conditions:

- 1) Approval by the Architectural Review Board;**
- 2) Obtaining of all required after-the-fact permits for the sign; and,**
- 3) Full compliance with all other municipal codes and ordinances.**

4. #6419

(Case #BOA-001755-2021)

Todd & Margaret Oliver

5 Demouy Avenue

(East side of Demouy Avenue, 187'± South of Dauphin Street).

Fence Height Variance to allow a wooden privacy fence more than eight (8) feet high in an R-1, Single-Family Residential District; the Zoning Ordinance limits wooden privacy fences to a maximum height of eight (8) feet in an R-1, Single-Family Residential District.

Council District 2

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

After discussion, the Board determined the following Findings of Fact for Approval of a Fence Height Variance to allow a wooden privacy fence more than eight (8) feet high in an R-1, Single-Family Residential District:

BOARD OF ZONING ADJUSTMENTS – RESULTS AGENDA

October 4, 2021

- 1) Approving the variance request 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 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.

5. #6420

(Case #BOA-001787-2021)

Roxanne Eaton

3340 Lees Lane

(West side of Lees Lane, 680'± South of its North terminus).

Use Variance to allow a family recreation venue with accessory use facilities in an R-1, Single-Family Residential District; the Zoning Ordinance requires that the primary use of a property be for a single-family residential dwelling in an R-1, Single-Family Residential District.

Council District 4

The applicant was present and requested to withdraw their application. The application was **Withdrawn.**

6. #6421

(Case #BOA-001795-2021)

Wilson Thomas

101 Ridgelawn Drive East

(West side of Ridgelawn Drive East at the West terminus of Bexley Lane).

Side Yard Setback Variance to allow a carport less than 8' from a side property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires at least an eight (8)-foot side yard setback for structures in an R-1, Single-Family Residential District.

Council District 7

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

After discussion, the Board determined the following findings of fact for Approval of the Side Yard Setback Variance request:

- 1) Approving the variance request will not be contrary to the public interest due to the fact that similar variance requests have been approved within the vicinity of this site;
- 2) Special conditions appear to exist, primarily the sloping topography elsewhere on the site, and the existing interior lay-out adjacent to the proposed garage, 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 in that it will be in keeping with similar approved variances in the area.

BOARD OF ZONING ADJUSTMENT – RECOMMENDATION AGENDA
October 4, 2021

The approval is subject to the following conditions:

- 1) subject to the Engineering comments: *(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 –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. 5. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.); and*
- 2) full compliance with all municipal codes and ordinances.

7. #6422

(Case #BOA-001806-2021)

Walcott Adams Verneuille Architects (Abby Davis, Agent)

9 North Royal Street

(West side of North Royal Street, 95'± North of Dauphin Street).

Use and Sign Variances to allow a free-standing ATM machine and associated signage in a T-5.2 Sub-District of the Downtown Development District; the Zoning Ordinance does not allow free-standing ATM's and requires all signage to be a compliant sign type in a T-5.2 Sub-District 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:

- 1) Approving the variance will not be contrary to the public interest because the proposed changes to the site are in keeping with the character of the area, ATMs are not addressed in the Downtown Development District Code, and the bank owns the property on which the ATM is proposed to be located;
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the placement of the ATM in the facade of the bank branch building will disturb the architectural integrity of the site; 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 should be subject to the following conditions:

BOARD OF ZONING ADJUSTMENTS – RESULTS AGENDA
October 4, 2021

- 1) Obtain associated building and sign permits; and**
- 2) Full compliance with all municipal codes and ordinances.**

VII. OTHER BUSINESS: