

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

SEPTEMBER 20, 2021

MEETING TO BE HELD ONLINE

I. CALL TO ORDER:

Chairman William Guess

II. ROLL CALL

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

III. ADOPTION OF THE AGENDA:

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

VI. PUBLIC HEARINGS:

1. #6408

(Case #BOA-001719-2021)

Howard Sumner

22 Hurlbert Street

(East side of Hurlbert Street 460'± South of Old Shell Road)

Front Yard, Side Yard and Combined Side Yard Setback Variances to allow a building addition within the required front yard and side yard setbacks, with a reduced combined side yards setback, in an R-1, Single-Family Residential District; the Zoning Ordinance requires full compliance with front yard, side yard, and combined side yards setbacks for a building addition in an R-1, Single-Family Residential District.

Council District 1

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

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

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- 1) **Approving the variance request 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) **Provision of gutters and downspouts where the proposed addition will be 5' or less from neighboring properties.**

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 Adam Metcalfe. Second by Lewis Golden. **Heldover.**

The Board heldover the application to the October 4th meeting to allow the applicant to address the Board.

3. #6410

(Case #BOA-001729-2021)

Pete J. Vallas, AIA

408 Pine Court

(East side of Pine Court, 380'± South of the East terminus of Winslow Drive).

Side Yard and Combined Side Yard Setback Variance to allow a garage within the required side yard setback, with a reduced combined side yard setback, in an R-1, Single-Family Residential District; the Zoning Ordinance requires all structures to meet the required side yard and combined side yard setbacks 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 requests:

- 1) **Approving the variance request will not be contrary to the public interest due to the fact that similar variances have been approved within the vicinity of this site;**

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- 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 presence of a large rear easement and steep topography; 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.**

The approval is subject to the following conditions:

- 1) **Provision of gutters and downspouts on the North side of the detached garage; and**
- 2) **Full compliance with all municipal codes and ordinances.**

The request for a reduced combined side yard setback is moot.

4. #6411

(Case #BOA-001732-2021)

Brenda J. Godfrey

2669 Faure Drive South

(South side of Faure Drive South at the South terminus of Penicault Drive).

Use Variance to allow more than five (5) children in a home-based daycare in an R-1, Single-Family Residential District; the Zoning Ordinance limits a home-based daycare to no more than five (5) children in an R-1, Single-Family Residential District.

Council District 4

Motion to approve by Greg Morris. Second by Sanford Davis. **Approved**

Lewis Golden opposed.

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

- 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; 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) **Compliance with all requirements of the Alabama Department of Human Resources for daycare facilities with 10 children;**
- 2) **Compliance with all Fire requirements for daycare facilities with 10 children; and**
- 3) **Full compliance with all other municipal codes and ordinances.**

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5. **#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.
Motion to holdover by Adam Metcalfe. Second by Greg Morris. **Heldover.**

The Board heldover the application to the October 4th meeting due to technical issues during the remote meeting.

6. **#6413/6362**
(Case #BOA-001740-2021)
Reilly Terrell
1704 McGill Avenue
(North side of McGill Avenue, 93'± West of South Reed Avenue).
Parking Surface and Landscaping/Tree Planting Variances to allow an aggregate parking surface and reduced landscaping/tree plantings for an apartment complex in an R-1, Single-Family Residential District; the Zoning Ordinance requires asphalt, concrete, or an approved alternative paving surface, and requires full compliance with landscaping and tree planting requirements for an apartment complex in an R-1, Single-Family Residential District.
Council District 2
Motion to approve by Adam Metcalfe. Second by Greg Morris. **Approved.**

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

- 1) Approving the variance will not be contrary to the public interest in that the use would be consistent with the use of aggregate surfacing is common in historic districts;**
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the existing site configuration makes it impossible for the site to provide full landscape area compliance; 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 variance because the proposed landscaping and tree planting are in keeping with the character of existing developments in the area.**

The Approval is subject to the following conditions:

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- 1) provision a residential buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance;
- 2) 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 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.);*
- 3) coordination with city staff regarding compliance with Traffic Engineering comments; specifically the provision of required handicap accessible parking: *(If surface variance is allowed, at a minimum the required handicap parking and an accessible route must be provided to the building.);*
- 4) submission to and approval by Planning and Zoning of a copy of a revised site plan prior to the issuance of any permits for renovations or land disturbance activities for the site; and
- 6) full compliance with all other municipal codes and ordinances.

V. OTHER BUSINESS: