

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF OCTOBER 4, 2010 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

Reid Cummings, Chairman
William Guess
Vernon Coleman
Sanford Davis
Adam Metcalf

MEMBERS ABSENT

Russell Riley*
J. Tyler Turner*
*supernumerary member

STAFF PRESENT

Frank Palombo, Planner II
Caldwell Whistler, Planner I
Tony Felts, Planner I
Sondi Galanti, Secretary I

OTHERS PRESENT

John Lawler, City Attorney
Butch Ladner, Traffic Engineering
Gerard McCants, Urban Forestry

The notation *motion carried unanimously* indicates a consensus, with the Chairman voting.

CALL TO ORDER:

Chairman Cummings advised all in attendance as to the policies and procedures of the Board of Zoning Adjustment. He noted the number of members present constituted a quorum. He advised that it would require four members present to vote in the affirmative to approve any variance and then called the meeting to order.

PUBLIC HEARINGS:

#5633/5596/5457/4570
(Case #ZON2010-02229)

Charter South, Inc.

810 Dauphin Island Parkway

Southwest corner of Dauphin Island Parkway and Halls Mill Road

Front Yard Setback Variance to allow the construction of a convenience store to the front property line in a B-3, Community Business District; the Zoning Ordinance requires a minimum 25' front yard setback for all structures in a B-3, Community Business District.

The Chair announced the matter, advising it had been recommended for approval, with conditions, and that anyone who wished to speak should address the Board regarding the subject at that time.

Mike Kinard, Charter South, 215 Distribution Drive, Birmingham, AL, spoke on behalf of the applicant. He noted they were simply before the Board to have the matter renewed as they were closing on the property immediately.

October 4, 2010

Board of Zoning Adjustment

Hearing no opposition or further discussion, a motion was made by Mr. Coleman, with second by Mr. Metcalf, to approve the Front Yard Setback Variance to allow the construction of a convenience store to the front property line in a B-3, Community Business District, subject to the following conditions:

- 1) **revision of the site plan indicating the actual right-of-way width (after dedication) of Halls Mill Road;**
- 2) **revision of the site plan to remove all maneuvering area from the right-of-way, or the submission and approval of a right-of-way use agreement through the Engineering Department;**
- 3) **the provision that the percentage of landscaping and the number and location of tree plantings are required to the best degree possible to be approved by Urban Development, Urban Forestry, and Traffic Engineering;**
- 4) **the provision that the developer make a donation to the tree bank for all frontage trees waived; and,**
- 5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

#5634/5616

(Case #ZON2010-02277)

Apostolic Overcoming Holy Church of God

2257 St. Stephens Road

West side of St. Stephens Road, extending from Vetter Street to Allison Street, and Northeast corner of St. Stephens Road and Dickens Avenue

Parking Ratio, Parking Surface and Off-Site Parking Variances to allow a total of 214 parking spaces for an existing 905-seat sanctuary and 8-bed domiciliary care facility and grass parking on-site in a B-1, Buffer Business District, and expanded off-site parking in a B-3, Community Business District; the Zoning Ordinance requires a minimum of one parking space per four seats for a sanctuary and one space per four beds for a domiciliary care facility (229 total spaces) and parking surfaces to be asphalt, concrete, or an approved alternative paving surface in a B-1, Buffer Business District, and non-conforming off-site parking expansion is not allowed in a B-3, Community Business District.

The Chair announced the matter, advising it had been recommended for denial and that the applicant should address the Board regarding the subject at that time.

Joe Cleveland, Joseph Cleveland Architects, 1102 Dauphin Street, Suite B, Mobile, AL, spoke on behalf of the applicant and asked that the matter be heldover as some of the church members that needed to attend the meeting that day were unavailable.

Hearing no opposition or further discussion, a motion was made by Mr. Coleman, with second by Mr. Metcalf, to hold the matter over until the November 1, 2010, meeting, at the applicant's request.

The motion carried unanimously.

October 4, 2010
Board of Zoning Adjustment

#5635

(Case #ZON2010-02290)

Eddie Spence

2540 Old Shell Road

Northeast corner of Old Shell Road and North Florida Street

Sign Variance to allow a total of three wall signs for a single corner tenant with frontage on two streets in a multiple-tenant commercial site in a B-2, Neighborhood Business District; the Zoning Ordinance allows one wall sign per street frontage the tenant faces for a multiple-tenant commercial site in a B-2, Neighborhood Business District.

The Chair announced the matter, advising it had been recommended for denial and that the applicant should address the Board regarding the subject at that time.

Stephanie Hogwood, 2540 Old Shell Road, Mobile, AL, spoke on behalf of the applicant. She asked that the matter be held over as the applicant was out of the country at that time.

Hearing no opposition or further discussion, a motion was made by Mr. Coleman, with second by Mr. Guess, to hold the matter over until the November 1, 2011, meeting, at the applicant's request.

The motion carried unanimously.

#5636

(Case #ZON2010-02305)

Bessie Mae Lewis

East side of Vanderbilt Drive, 250'± North of Hamilton Boulevard

Use Variance to allow a mobile home as a single-family dwelling in an I-1, Light-Industry District; the Zoning Ordinance does not allow single-family dwellings in an I-1, Light-Industry District.

The Chair announced the matter, advising it had been recommended for denial and that the applicant should address the Board regarding the subject at that time.

Bessie Mae Lewis, 6511 Vanderbilt Drive, Theodore, AL, spoke on her own behalf and made the following points for approval:

- A. noted that she had lived on the site for the past 60 years;
- B. noted her original home had burned and she had no place to live as a result;
- C. wished to have the trailer in place approximately two years which she felt would allow her the time she needed to rebuild the house;
- D. noted that the adjacent neighbor had no issues with her placing the trailer on the lot; and,
- E. stated that due to the economy, she had not had the necessary money to rebuild the house and had been living on and off with her daughter but wanted to have her own place again.

Mr. Palombo stated the applicant did have letters from the neighbors stating there was no opposition from them for Mrs. Lewis to have the trailer. He also asked the Board if they were

October 4, 2010

Board of Zoning Adjustment

inclined to approve the matter if the staff could add the condition of full compliance with all municipal codes and ordinances.

Mr. Metcalf asked if the residence had to be a mobile home or if it could be a house.

The Chair noted that the variance was for a mobile home to be allowed in an I-1 zoned area and that if the applicant were to decide at a later date to build a home that another variance to do so would be needed.

Mr. Metcalf asked if the applicant had a time frame in place with regards to rebuilding and if that could be done in a six month period as the Board might stipulate an expiration date for the variance rather than let it stand in perpetuity.

Mrs. Lewis stated she wasn't sure if she could accomplish rebuilding the house in that time period and would have to consult with her children regarding that.

Hearing no opposition or further discussion, a motion was made by Mr. Coleman, with second by Mr. Guess, to approve the Use Variance to allow a mobile home as a single-family dwelling in an I-1, Light-Industry District, subject to the following condition:

- 1) full compliance with all other municipal codes and ordinances.**

OTHER BUSINESS:

There being no further business, the meeting was adjourned.

APPROVED: April 4, 2011

Chairman of the Board

/sg