

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF DECEMBER 5, 2011 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

William Guess, Chairman
Sanford Davis
Adam Metcalfe
Jeremy Milling

STAFF PRESENT

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

MEMBERS ABSENT

Vernon Coleman
Russell Reilly*
J. Tyler Turner*
*supernumerary member

OTHERS PRESENT

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

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

CALL TO ORDER:

Chairman Guess advised all in attendance as to the policies and procedures of the Board of Zoning Adjustment. He stated there were four regular members and no supernumerary members present, constituting a quorum. He advised that it would require all four members to vote in the affirmative to approve any variance and then called the meeting to order.

EXTENSIONS:

#5677

(Case #ZON2011-00971)

Horace Jones

3416 Beltline Park Drive North

(Northeast corner of Beltline Park Drive North and East I-65 Service Road North)

6 month extension of approval for a Parking Surface Variance to allow a gravel parking area for heavy equipment sales and display in an I-1, Light Industry District; the Zoning Ordinance requires heavy equipment sales and display parking areas to be paved with asphalt, concrete, or an approved alternative paving surface in an I-1, Light Industry District.

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

Mr. Horace Jones, 1130 Jonathan Court, Mobile, spoke on his own behalf and asked the Board to extend the approval of the above referenced variance.

December 5, 2011
Board of Zoning Adjustment

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those in favor or opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Davis, to approve the above referenced request, subject to the following conditions:

- 1. revision of the site plan to indicate compliant driveways and paved customer/employee parking and maneuvering area;**
- 2. revision of the site plan to indicate proper frontage trees along both Beltline Park Drive North and East I-65 Service Road North;**
- 3. revision of the site plan to indicate full landscaping compliance;**
- 4. revision of the site plan to include a compliant dumpster, or the placement of a note on the site plan stating that there will be no dumpster utilized and stating how trash will be collected;**
- 5. revision of the site plan to include a note stating that the rolling gate will remain open at all times during business hours; and**
- 6. full compliance with all other codes and ordinances.**

The matter carried unanimously.

PUBLIC HEARINGS:

#5723/5511

(Case #ZON2011-02769)

Marc Scott Whitehead

4913 Carmel Drive North

(South side of Carmel Drive North, 225'± West of Pine Court)

Side Yard and Rear Yard Setback Variances to allow the construction of a carport within 3.25' of a side property line and 7.5' of a rear property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires an 8' side yard setback and an 8' rear yard setback in an R-1, Single-Family Residential 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.

Marc Whitehead, 4913 Carmel Drive North, Mobile, spoke on his own behalf. He stated in 2008 he had come before the Board and received approval to construct the carport, however, he did not construct said carport at that time and said approval had expired. He stated he was now ready to construct the carport and was again requesting approval of the same.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those in favor or opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Davis, to approve the above referenced request, subject to the following conditions:

1. placement of gutters and downspouts along the western side of the structure; and
2. compliance with all codes and ordinances.

The matter carried unanimously.

#5724

(Case #ZON2011-02780)

Travis Leon Sims

1885 Staples Road

(South side of Staples Road, 450'± West of Tulsa Drive)

Use Variance to allow a second dwelling unit in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum zoning of R-2, Two-Family Residential District for a property with two dwelling units.

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.

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant. He stated he had not been able to reach his client and asked that the matter be held over.

The Chair asked if there were any questions from the Board. Hearing none, he asked if there were those in favor or opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Milling, to hold the above matter over to the January 9, 2012, meeting, to allow the owner an opportunity to present the case before the Board.

The matter carried unanimously.

#5725

(Case #ZON2011-02806)

Zion Baptist Church

2514 Halls Mill Road

(Northwest corner of Halls Mill Road and Pollard Lane).

Surfacing, Access and Maneuvering, and Parking Ratio Variance to allow a church with a grass parking area, no designated parking spaces, and a 10-foot wide asphalt drive in an R-1, Single-Family Residential District; the Zoning Ordinance requires designated parking spaces equal to one space per four seats surfaced with asphalt or concrete, with two-way drive aisles a minimum width of 24 feet for a church in an R-1, Single-Family Residential District.

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

December 5, 2011
Board of Zoning Adjustment

Brett Orrell, Polysurveying of Mobile, spoke on behalf of the applicant. He stated the pastor of the church was unable to attend the meeting that day due to recent back surgery and asked that the matter be held over.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those in favor or opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Milling, to hold the matter over until the January 9, 2012, meeting, to allow the owner the opportunity to present the case to the Board.

The matter carried unanimously.

#5726

(Case #ZON2011-02816)

New Hope Baptist Church

1270 & 1272 Pecan Street, 608 Live Oak Street, 1261 & 1263 Persimmon Street

(Northeast corner of Pecan Street and Live Oak Street extending to the Southeast corner of Pecan Street and Persimmon Street).

Tree Planting Variance to reduce the number of Frontage Heritage Trees required for a church in a R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of one frontage heritage tree per 30 linear feet of street frontage for a church in an R-1, Single-Family Residential 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.

Mark Wattier, Wattier Surveying, spoke on behalf of the applicant. He stated they were making some changes to the plan and requested the matter be held over because of such.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those in favor or opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Milling, to hold the matter over until the January 9, 2012, meeting, to allow time to re-submit changes to the plan to staff for review.

The matter carried unanimously.

#5727

(Case #ZON2011-02817)

Suzuki of Mobile LLC (Hall's Motor Sports)

1520 West I-65 Service Road South

(West side of West I-65 Service Road South, 860'± South of Cottage Hill Road)

Sign Variance to allow a total of four wall signs and one freestanding sign on a single business site in a B-3, Community Business District; the Zoning Ordinance allows a total of three signs (with no more than one being a freestanding sign) on a single business site in a B-3, Community Business District.

December 5, 2011
Board of Zoning Adjustment

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.

The following people spoke in favor of the matter:

- Steve Clements, attorney for Suzuki of Mobile LLC; and,
- Trent Hall, owner, Hall's Motor Sports, 1520 West I-65 Service Road South, Mobile.

They made the following points:

- A. the applicant was requesting a variance to the Sign Ordinance due to artwork which had been applied to the building;
- B. the property owner had relied upon his sign contractor to "do the right thing" regarding the signage he had installed at the site;
- C. the first time the property owner was aware the sign contractor had not "done the right thing" was when he received the Notice of Violation from the City regarding non-compliance of said signage; and,
- D. the property owner advised he was told the two pieces of artwork did not require a sign permit as they were not considered signs but artwork, however, it had since been determined that Mr. Armstrong of Modern Signs was incorrect in his assumption that the two pieces in question would simply be viewed as artwork.

Mr. Metcalfe asked if a permit had been issued for the signage in question.

Mr. Clements stated the two signs affixed to the building were there by permit, however, the panels advertizing different product lines, which were included in the original application, were not issued permits by the staff. He stated again the property owner, Mr. Hall, did not know those were not issued permits as he expected his sign contractor to have pulled permits for all of the work.

Mr. Metcalfe stated the sign permit purchased did not accurately reflect what was actually installed.

Mr. Palombo stated there were only permit applications associated with the signage and those were for each of the attached signs. He stated they had received no applications for the motorcycle, four wheeler illustrated signage. He stated the signage was basically canvas stretched over "set in" sections of the exterior wall and they were not submitted as a sign nor were they "picked up" at the time of permitting. He said they should be considered advertizing signs as Mr. Hall sold the products depicted on the canvases.

Mr. Metcalfe asked if the products depicted on the canvases were branded.

Mr. Palombo answered he was not sure if the products shown also showed brand names.

Mr. Hall stated care had been taken to exclude any brand names from the painted canvases.

December 5, 2011
Board of Zoning Adjustment

The Chair asked if there were any more questions from the Board.

Mr. Metcalfe asked if artwork, murals were considered signs under the Zoning Ordinance.

Mr. Palombo stated they were considered signage if they represented products sold at the site in question. He then reminded the Board of a similar mural located on the site of McCoy Outdoor on Government Street which had been considered signage for that business.

Mr. Metcalfe asked if, other than the signs in question, the signage for the site would be in compliance.

Mr. Palombo stated one of the sign permits had been issued in error by the staff and as a result said sign would remain and enjoy non-conforming status until such time as the business no longer existed.

Hearing no further discussion by the Board, he asked if there were those in favor or opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Milling, with second by Mr. Metcalfe, to deny the above referenced request.

The matter carried unanimously.

#5728

(Case #ZON2011-02819)

Persons Service Company

4474 & 4480 Halls Mill Road

(North side of Halls Mill Road at the Northern terminus of Laughlin Drive)

Surfacing Variance to allow a contractor's lay down yard with aggregate surfacing in a B-3, Community Business District; the Zoning Ordinance allows requires all surfaces to be surfaced with concrete, asphalt, or an approved alternative surfacing in a B-3, Community Business District.

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

Frank Dagley, Frank A. Dagley and Associates, spoke on behalf of the applicant. He stated the application was to allow an existing gravel lay down yard to continue. He said they had a building permit which had just been approved for two new buildings on the site and all of the new parking associated with those buildings would be paved.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those in favor or opposition to the matter and opened the floor to their comments. Hearing none, he opened the matter for a motion.

December 5, 2011
Board of Zoning Adjustment

A motion was made by Mr. Metcalfe, with second by Mr. Davis, to approve the above referenced request, subject to the following conditions:

- 1) all vehicular parking and maneuvering areas to be paved with asphalt or concrete;**
- 2) full compliance with tree planting and landscaping requirements; and**
- 3) full compliance with all municipal codes and ordinances.**

The matter carried unanimously.

#5729

(Case#ZON2011-02820)

Wright Transportation

1917 Military Road and 2216 Cassie Lane

(Southwest corner of Military Road and Cassie Lane)

Use and Surfacing Variances to allow the expansion of a trucking company with a 135-space aggregate-surfaced parking and storage area in an R-1, Single-Family Residential District; the Zoning Ordinance requires at least an I-1, Light Industry District for a trucking company with storage, and also requires all parking and man.

Mr. Metcalfe recused himself from discussion and voting on the matter

The Chair announced the matter, advising it would have to be held over until the January 9, 2012, meeting, due to a lack of quorum.

Betty Potter, 2225 Cassie Lane, Mobile, spoke to the Board and advised as a resident of the area for the past 69 years, she was very much in favor of the matter.

The Chair thanked Ms. Potter and accepted her comments for the record.

OTHER BUSINESS:

There being no further business, the meeting was adjourned.

APPROVED: November 5, 2012

/s/ William Guess, Chairman of the Board

jsl