

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF OCTOBER 7, 2002 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

John Peebles, Chairman
Reid Cummings
Richard Collier
H. Lamar Lee

MEMBERS ABSENT

Rev. P. H. Lewis
Rev. Clarence Cooke
Edley Hubbard (S)

STAFF PRESENT

Margaret Pappas, Planner II
Frank Palombo, Planner I
Rose Murphy, Secretary II

OTHERS PRESENT

David Roberts, Traffic Engineering
David Daughenbaugh, Urban Forestry
John Lawler, Assistant City Attorney

Chairman Peebles noted the number of members present constituted a quorum and called the meeting to order.

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

APPROVAL OF MINUTES:

A motion was made by Mr. Cummings and seconded by Mr. Collier to approve the minutes of the meeting of September 9, 2002, as submitted. The motion carried unanimously.

EXTENSION:

(Case #ZON2001-01901)

Louisiana Unwired, LLC (George Richard Claxton, Sr., Owner)

3256 Dauphin Island Parkway

(West side of Dauphin Island Parkway, 60' ± North of Gill Road)

Request for six month extension.

The plan illustrates the existing building along with the proposed 150' tower location.

Mr. Rick Shaw of Faulk and Foster, Inc. in Monroe, LA, represented the applicant and stated that they were seeking a one-year extension of a previously approved variance. He went on to say that an appeal of a Planning Commission denial of a Planning Approval application in April of 2002, was still in litigation, and they did not feel it would be resolved in six months. He requested approval of a one-year extension.

Mr. Peebles asked the staff if the applicant would be required to pay additional fees after six months if the court case was not resolved.

Ms. Pappas said yes. She went on to explain that given the circumstances of the Planning Commission case, a one-year extension would be reasonable.

Mr. Cummings asked why they were granted a variance and then went before the Planning Commission.

Ms. Pappas explained that the variance was for height, buffer separation, etc. and the Planning Approval was required because of the zoning of the property.

A motion was made by Mr. Cummings and seconded by Mr. Collier to approve the request for a one-year extension of the previously approved Height, Setback, and Buffer Separation Variances.

October 7, 2002

The motion carried unanimously.

PUBLIC HEARINGS:

#5137/4814/4719

(Case #ZON2002-01981)

Storage Max University LLC; (William Barnhill, Owner)

684 South University Boulevard

(East terminus of Kwajalein Drive, 245' ± West of South University Boulevard)

Sign Variance to allow a 140 square foot freestanding sign on a site with no street frontage; a freestanding sign is allowed one square foot per linear foot of street frontage up to a maximum of 200 square feet and must be located on the business site.

The plan illustrates the existing structure and asphalt parking; along with the proposed structure and 20' ingress/egress easement.

Mr. Bill Barnhill represented the applicant and stated that they were seeking a variance to allow a 17' pylon sign with an LED message center. He went on to say they acquired the property in March 2002. He noted that visibility of the subject structure was a problem at present, and he felt visibility would be further impaired with the construction of a proposed service station next to the subject property. Mr. Barnhill felt a that larger sign would help reduce the amount of money required for outside marketing due to lack of visibility. He requested approval of the application.

There was no one present in opposition.

Mr. Peebles asked how much signage would be allowed if the subject property had road frontage.

Ms. Pappas said 200 sq. ft. per side.

Mr. Daughenbaugh noted that landscaping and tree planting associated with the construction of the proposed service station would be required, and requested that placement of the sign be coordinated with Urban Forestry should this application be approved.

A motion was made by Mr. Collier and seconded by Mr. Cummings to approve the request for a Sign Variance to allow a 140 square foot freestanding sign on a site with no street frontage subject to the following condition:

1. placement of sign to be coordinated with Urban Forestry.

The motion carried unanimously.

#5138

(Case #ZON2002-02074)

GHK Developments Inc.; (Johnny Watson, Agent)

2050 Government Street

(Area bounded by Government Street to the South, Airport Boulevard to the North and Williams Street and the Illinois Central Gulf Railroad right-of-way to the East)

Sign Variance to allow a second freestanding sign; a maximum of one freestanding sign is allowed on a single-tenant site.

The plan illustrates the existing building and sign, along with the proposed building, parking, and sign.

Mr. Johnny Watson of Watson Realty represented the applicant and stated that they were requesting approval of one additional freestanding monument sign at the entrance to the subject property on Airport Boulevard. He noted that the two proposed freestanding signs would have less square footage than that allowed for one sign.

October 7, 2002

There was no one present in opposition.

Mr. Peebles asked the situation with trees and landscaping with regard to this project.

Mr. Daughenbaugh said this was a new development and that full compliance with landscape and tree requirements would be required.

Mr. Peebles asked if there were existing heritage trees.

Mr. Daughenbaugh said he had visited the site and did not recall any existing large Live Oaks on the site as only Live Oak trees larger than 24" are protected by the Ordinance

Mr. Peebles note there were some mature trees in the northeast quadrant where Airport Boulevard crossed the railroad tracks.

Mr. Daughenbaugh was uncertain if those trees were on the development site or the railroad site.

Mr. Peebles asked if the mature trees were going to be preserved.

Mr. Daughenbaugh noted that the plan illustrated a parking area and concluded that some of the trees would be removed.

Ms. Pappas noted that the tree of concern to Mr. Peebles was in the northeast quadrant and away from proposed parking and maneuvering areas.

Mr. Peebles stated that there was an area in the existing development that contained a Pine Tree and a 48" Oak Tree. He felt it was a White Oak tree.

Mr. Daughenbaugh stated that although the large tree was not a Live Oak tree, it would be to the developer's advantage to preserve the tree for tree credits.

Mr. Watson asked permission to address the Board. He stated that they had met with Keep Mobile Beautiful and intended to abide by the landscape and tree requirements. If there was an Oak Tree on the property larger than 24", it would not be removed.

A motion was made by Mr. Collier and seconded by Mr. Cummings to approve the request for a Sign Variance to allow a second freestanding sign subject to the following condition:

1. preservation of a 48" tree and a 19" Pine Tree shown on site plan.

The motion carried unanimously.

#5139

(Case #ZON2002-02075)

Rose Ellis

411 Hillcrest Road

(East side of Hillcrest Road, 200' ± South of McKenna Drive)

Use and Substandard Access Variances to allow professional office with a 12-foot wide driveway; professional offices require a minimum zoning of B-1, Buffer Business and a 24-foot wide driveway.

The plan illustrates the existing structure and drive.

Mr. Jay Watkins of the Armbrecht-Jackson Law Firm represented the applicant and stated the purpose of the application was to allow the applicant to conduct an accounting business in the residence on the subject site. Ms. Ellis recently inherited the home and resides there part-time at present. Her intent was to reside there permanently and conduct her business in the home. There would be one part-time employee from December to March; therefore, the residence did not qualify to be used as a home

October 7, 2002

occupation under the Zoning Ordinance. A rezoning application previously submitted to the Planning Commission was recommended for denial. Following the Planning Commission, the applicant met with Councilmember Hudson and neighbors who had objected to the rezoning. It was determined in that meeting that the primary objection to the rezoning was the possibility of other less desirable businesses occupying the site in the event the applicant vacated the site. Rather than appealing the Planning Commission, it was thought that a Use Variance would be a better alternative for all concerned. Mr. Watkins noted that the staff recommended denial of this application based on a lack of hardship with the property, and that there were no other uses such as this on Hillcrest Road. He pointed out a number of other commercial uses on Hillcrest between Airport Boulevard and Old Shell Road. Ms. Ellis desires to maintain the residential character of the property and that was the reason for a request for a sub-standard driveway. After receiving the staff report Mr. Watkins met with the staff and asked them to consider what might be done with respect to signage, parking, etc., if the application were approved. He was in receipt of some recommendations that the applicant, neighbors, and Ms. Hudson concurred with, with the exception of the height of a sign. He requested approval of the application.

Mr. Peebles noted that the drawings indicated a potential one-lot subdivision.

Mr. Watkins explained that at the time of the Planning Commission rezoning request, the applicant was required to make the lot a legal lot of record. He went on to say that the drawing also indicated two parking spaces in front of the residence. The parking spaces were placed on the drawing by the engineer to indicate what would be required if the rezoning application were approved. The parking spaces would be moved to the rear of the residence.

Ms. Connie Hudson, District 6 Council Representative stated that she and a number of neighbors spoke in opposition to the rezoning application. However, they had since met with the applicant and came to an agreement and concurred with the proposed staff recommendations, with the exception of the height of the sign.

There was no one present in opposition.

A brief discussion centered on whether to require a sidewalk. It was noted that Hillcrest Road was scheduled for widening and a sidewalk would be removed during the project.

A motion was made by Mr. Collier and seconded by Mr. Lee to approve the request for Use and Substandard Access Variances to allow professional office with a 12-foot wide driveway subject to the following conditions:

1. that the maximum signage be no larger than 6' in overall height, 3' x 3' double-sided, and non-illuminated;
2. that the two parking spaces proposed on the site plan be shifted to the rear of the building with ample turnaround without backing into Hillcrest Road, so that the residential character remains; and
3. full compliance with the landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

The motion carried unanimously.

#5140/5060

(Case #ZON2002-02076)

Larry Wayne Dyess, Sr.

1552 Monterey Place

(Northwest corner of Monterey Place and South Catherine Street)

Use Variance to amend a previously approved Use Variance to allow four guest rooms for a bed and breakfast; the previous variance was limited to two guest rooms; a bed and breakfast facility is allowed in a R-3, Multi-Family Residential District with Planning Approval or by right in a B-2, Neighborhood Business District.

The plan illustrates the existing building, drive, carport, and proposed drive.

October 7, 2002

Mr. Larry Dyess, the applicant, stated they were seeking to amend a previously approved Use Variance for a bed and breakfast. The original approval was for two rooms and they want to be allowed to use four rooms.

Mr. Peebles asked about parking.

Mr. Dyess said that he and his wife parked two cars, but he was not there a lot due to his business.

Mr. Peebles asked if there was on-street parking on Monterey Place.

Mr. Dyess said yes.

There was no one present in opposition.

A motion was made by Mr. Cummings and seconded by Mr. Collier to approve the request for a Use Variance to amend a previously approved Use Variance to allow four guest rooms for a bed and breakfast.

The motion carried unanimously.

OTHER BUSINESS:

Appeals

Mr. Lawler reported that the Alabama Supreme Court ruled against the Board's decision in the Lamar Advertising sign case. He also said that the Moseley case had been continued. The case against Mr. Hand, who operated a repossession business from his home on Navco Road, was set for trial in December.

There being no further business, the meeting was adjourned.

APPROVED: November 4, 2002

/s/ Chairman of the Board

/rm