

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**MEETING OF FEBRUARY 7, 2011 - 2:00 P.M.**  
**MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM**

**MEMBERS PRESENT**

William Guess-Acting Chairman  
Vernon Coleman  
Sanford Davis  
Adam Metcalfe

**MEMBERS ABSENT**

Reid Cummings, Chairman  
Russell Reilly\*  
J. Tyler Turner\*  
\*supernumerary member

**STAFF PRESENT**

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

**OTHERS PRESENT**

Butch Ladner, Traffic Engineering  
Gerard McCants, Urban Forestry

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

**CALL TO ORDER:**

Acting Chairman Guess 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 all four members present to vote in the affirmative to approve any variance and then called the meeting to order.

**APPROVAL OF MINUTES:**

No Minutes for Approval

**HOLDOVERS:**

**#5653**

**(Case #ZON2010-02893)**

**Marine Rigging, Inc. (Gary D. E. Cowles, Agent)**

500 and 552 Beauregard Street

(West side of North Lawrence Street, extending from Beauregard Street to Stuart Circle).

**Use, Parking Surface and Fence Variances to allow tension testing and research of marine rigging components with a gravel-surface work area/lay-down yard and a barbed wire fence in a B-4, General Business District; the Zoning Ordinance does not allow a testing and research laboratory, work yards/lay-down yards must be paved in asphalt, concrete, or an approved alternative paving surface, and barbed wire fences are not allowed in a B-4, General 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.

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Gary Cowles, with Cowles, Murphy, Glover, 457 St. Michael St., Mobile, AL, spoke on behalf of the applicant, Marine Rigging and made the following points in favor of the matter:

- A. Noted that Marine Rigging had been in that location for 30 years and as a Marine Supply store for 20 years prior. They currently fabricate cables, chokers, and items for the Marine Industry, Oil Industry, Shipping Industry, Stevedoring, such as Heavy Lift equipment.
- B. For the past 27 years, a small test bed had been inside of the building. It was rated for 150-180 tons. They would like to be able to test the cables and equipment that they put together and proof test it. They are not testing it to failure, they are proof testing it so that they can certify that the assembly was rated for 100 tons, 200 tons etc.

Mr. Coleman stated that at the last meeting that they were concerned about not seeing an accurate measurement of the machines that they were attempting to be put in.

Mr. Cowles noted that the additional drawings from the equipment manufacturer had been resubmitted to Staff showing the to scale and exact layout of the test bed.

Mr. Coleman asked what protections there would be if something ruptured during the testing.

Mr. Cowles stated that part of the design was a cover that went over the test bed to prevent anything from flying out if any of the cables were to break. He added that they were tested to a rated capacity not to failure.

Mr. Coleman asked how noisy the system would be since it was located near a school.

Mr. Cowles stated that it was a hydraulic pump assembly that was used to power the facility and that it generated very little noise.

Mr. Whistler stated that the dumpster was not shown to be compliant, as it still had its nose in with the back out.

Mr. Whistler also stated that the landscaping and the tree planning were not revised to take in the entire site.

Mr. Cowles stated that the section had been revised for the green space but that they didn't have any place to put it on the other site.

Mr. Whistler stated that the Variance should have actually been requested for full site compliance instead of just the site to the east. The site to the east was brought up to compliance when they built the little building on it about 10 yrs ago. They did have the approved landscaping and tree plan for it. However, for the western portion we do not have site compliance, landscaping or tree compliance on it.

Mr. Whistler stated that it was an old non-compliance site for the western half of it. He suggested to the Board that if they were to consider approving the variance, then they should approve it on the merits of just the eastern half where the variance was being requested. He added they should consider the western portion grandfathered in.

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Mr. Whistler stated that they were separate parcels. That it was a metes and bounds parcel and was all one tax so that as far as legal descriptions was concerned that they were 2 separate metes and bounds parcels.

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

A motion was made by Mr. Coleman, with second by Mr. Metcalfe, to approve the Use, Parking Surface and Fence Variances to allow tension testing and research of marine rigging components with a gravel-surface work area/lay-down yard and a barbed wire fence in a B-4, General Business District, subject to the following conditions:

- 1) **revision of the site plan to provide a compliant dumpster location to be coordinated with the Planning Section of Urban Development;**
- 2) **full compliance with all other municipal codes and ordinances; and**
- 3) **obtaining of an after-the-fact barbed wire fence permit.**

The matter carried unanimously.

**PUBLIC HEARINGS:**

**#5658**

**(Case #ZON2010-03012)**

**Richard & Sharon Stanley**

2652 Eldorado Drive

(135'± West of Darwood Drive)

**Use Variance to allow the storage of a commercial panel truck at a single-family residence in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow the storage of commercial vehicles over 8,000 pounds 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.

Sharon & Richard Stanley, 2652 Eldorado Drive, Mobile, AL, spoke on their own behalf, and made the following points in favor of the matter:

- A. We have had this truck for over 9 years and it was parked at their home residence. The truck was 6,600 pounds which was less than the allowable minimum of 8,000 pounds.

Mr. Metcalfe asked if he kept the truck parked on the property.

Mr. Stanley noted that it was parked on the side of the house.

Mr. Metcalfe stated that they had a letter that stated that the ice cream truck was parked across the street waiting for the children to come out from the school.

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Mr. Stanley stated that he did not live across the street from the school but 1 street over from the school.

Mr. Metcalfe noted that the letter stated “you park your commercial truck on the opposite side of the street where he lives and waits until the school lets out and sells his products”.

Mr. Stanley stated that you can’t sell in your own yard. When I got my license, they said you can’t sell in your own yard. It’s got to be on the street.

Mr. Metcalfe asked if he parked it on the street.

Mr. Stanley noted that it was off the street on the curb but not on the sidewalk.

Mr. Coleman asked if he was in the truck at that time.

Mr. Stanley noted that yes he was in the truck

Mr. Metcalfe asked if he parked it on the sidewalk.

Mr. Stanley stated that he parked on a grassy section near the street for 15 minutes before the children got out of school.

Mr. Metcalfe stated that he thought that may be part of the problem.

Mr. Palombo stated that he did have an itinerary license and that meant he would be able to be mobile. He added that stopping for 5-15 minutes would not breach the license.

Mr. Palombo also stated that Staff had an issue with the parking of the commercial vehicle since it was less than 8,000 pounds and that was in violation of the zoning ordinance.

Mr. Palombo further stated that the carports had been built without any permits and that they needed to get a license, so that they could do business legally.

Mr. Guess asked how long he had had a business license.

Mr. Stanley stated since day 1.

Mr. Palombo stated that we did not find a business license for the address. We also did not have a zoning clearance for that address stating that there was a home occupation as an ice cream itinerant.

Mr. Stanley noted that he gotten the license before he got the truck. He also said that it was on record down here and that he had paid taxes on it every month.

A motion was made by Mr. Colman, with second by Mr. Metcalfe, to approve the Use Variance to allow the storage of a commercial panel truck at a single-family residence in an R-1, Single-Family Residential District, subject to the following conditions:

- 1) no ice cream sales from the truck while at the residence;**

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- 2) the ice cream truck is to be stored behind the fence; and
- 3) full compliance with all other municipal codes and ordinances.

**THE BOARD ALSO APPROVED ALLOWING THE EXISTING NONCONFORMING CARPORT ON THE EAST SIDE OF THE PROPERTY TO REMAIN.**

The matter carried unanimously.

**#5659**

**(Case #ZON2011-00040)**

**Domino's Pizza (Lea Chris, Agent)**

5369 A U.S. Highway 90

(750'± North of Halls Mills Road on U.S. Highway 90)

**Sign Variance to allow two wall signs for a tenant on a multi-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance allows only one wall sign per tenant on a multi-tenant commercial site 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.

My name is Lea Chris, 5369 Highway 90, Mobile, AL, spoke for the applicant, RPM Pizza and made the following points in favor of the matter:

- A. The company that installed the sign did so without pulling a permit. And after installing it, the company would not help them to resolve it.
- B. A bigger pylon in front hides the smaller tenant pylon and made it hard to see. The extra advertising showcased the different pizza's and specials.

Mr. Coleman asked if the fact that the signs were grandfathered in, had created a hardship for the business.

Mr. Lawler stated that it was a judgment call for the Board to decide whether or not there was enough of a hardship, taken into account the fact that you have these non-conforming signs that had been there that had been grandfathered in. He added that some questions to consider would be: How much if enough? Should you move it around a little bit? And lastly, does it fit in with the overall scheme that The City had planned in regard to signage.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those in 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. Coleman to deny the above referenced request.

The matter carried unanimously.

**OTHER BUSINESS:**

The Board decided to wait until the March Meeting to hold Elections in order to allow more members to be present for such.

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There being no further business, the meeting was adjourned.

**APPROVED:**

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Chairman of the Board

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