

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF APRIL 6, 2009 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

William Guess
Sanford Davis
Mack Graham
J. Tyler Turner*
*supernumerary member

MEMBERS ABSENT

Reid Cummings, Chairman
Vernon Coleman
Russell Riley*

STAFF PRESENT

Frank Palombo, Planner II
Caldwell Whistler, Planner I
Tiffany Green, Secretary I

OTHERS PRESENT

John Lawler, City Attorney
Butch Ladner, Traffic Engineering
Jennifer White, Traffic Engineering

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

CALL TO ORDER:

Vice-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 with the supernumerary member voting and called the meeting to order.

HOLDOVERS:

#5524

(Case #ZON2009-00018)

51 South Conception Street, LLC

51 South Conception Street

Southeast corner of South Conception Street and Conti Street

Parking Maneuvering Variance to allow vehicular maneuvering (backing) into the public right-of-way from an on-site parking area in a B-4, General Business District; the Zoning Ordinance requires vehicular entrances and exits to be provided in such a manner to prevent vehicular backing from a parking area into the public right-of-way 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.

The applicant was not present.

The Chair then stated that if there were those in attendance who wished to speak to please in favor or opposition, to do so at that time. He noted there was no one in attendance in this regard.

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Hearing no opposition or discussion, a motion was made by the Mr. Guess, with a second by Mr. Graham to deny this application.

The motion carried unanimously.

EXTENSIONS:

5503

(Case #ZON2008-02521)

Cottage Hill Tenn, LLC (Charles S. Christmas, Agent)

3920 Cottage Hill Road

North side of Cottage Hill Road, 240'± East of Azalea Road

Sign Variance to allow an illuminated, double-faced, 16" x 30" off-premise directional sign with a corporate logo in a B-2, Neighborhood Business District; the Ordinance requires all directional signs to be located on-premise and not contain any corporate logo in a B-2, Neighborhood 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.

The applicant was not present.

The Chair then stated that if there were those in attendance who wished to speak to please in favor or opposition, to do so at that time. He noted there was no one in attendance in this regard.

Hearing no opposition or discussion, a motion was made by Mr. Graham, with a second by Mr. Davis, to approve the request for a six month extension.

The motion carried unanimously.

PUBLIC HEARINGS:

#5529

(Case #ZON2009-00688)

Nedzad and Dragana Fazlic

2900 Lloyds Lane

West side of Lloyds Lane, 510'± North of Southridge Boulevard

Side Yard Setback and Combined Side Yard Variances to allow the construction of a garage within 6.5' of a side property line with total combined side yards of 19.6' in an R-1, Single-Family Residential District; the Zoning Ordinance requires an 8' minimum side yard setback with a combined side yard minimum of 20' 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.

The Chair stated that the applicant was in agreement with staff recommendations and asked if anyone wished to speak on the matter to do so at this time.

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Nedzad Fazlic, 2900 Lloyds Lane, Mobile, AL, apologized for the error in his construction and asked the Board's indulgence in the matter.

The Chair stated that it was his understanding that at the time the applicant applied for the permit he stated his understanding of the setback requirements and Mr. Fazlic responded yes.

The Chair then asked if the applicant was doing the work himself or if he had hired a professional contractor.

Mr. Fazlic stated he was doing the construction himself and that he had measured from the fence to determine the distance.

Mr. Palombo stated that the department typically saw this type of error in determining distance in this matter as the average homeowner used the fence line as the line of measurement.

Charles Gibbons, 6161 Hampton Oaks Drive, Mobile, AL, spoke in favor of the variance stating that he lived directly across Lloyds Lane from the applicant. He stated the property had always been an eyesore but that the applicant had done a great deal of work on the property and had made it look so nice that it was hoped that the Board would approve the variance and leave the structure in place.

The Chair commented that he lived in the Southbridge Subdivision, which was adjacent to the area in question, with the property actually considered part of the Southbridge Subdivision. He added that he had been contacted with concern that the subdivision covenants required that a garage be put at the rear of the property not facing the street. He said that part of the covenants had not been enforced in years, however, it was wondered if the applicant had looked into putting the garage in the rear of the property as opposed to the side. He noted for the record that the applicant was quite some ways into construction of the garage, so that might not be an option at this juncture.

Mr. Fazlic said he had not considered the garage being in the rear as one of his neighbor's garage was facing the street.

Mr. Palombo asked that if the Board moved to approve the matter, the staff would like gutters and downspouts added as a condition for that approval.

Hearing no opposition or further discussion, a motion was made by Mr. Graham, with a second by Mr. Davis, to approve the request for a **Side Yard Setback and Combined Side Yard Variances to allow the construction of a garage within 6.5' of a side property line with total combined side yards of 19.6' in an R-1, Single-Family Residential District; the Zoning Ordinance requires an 8' minimum side yard setback with a combined side yard minimum of 20' in an R-1, Single-Family Residential District**, subject to the following conditions:

- 1) installation of a gutter and downspout on the side of the structure pertaining to this side yard variance; and,
- 2) full compliance with all municipal codes and ordinances.

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The motion carried unanimously.

#5530/5420

(Case #ZON2009-00786)

Ben Cummings

2325 Boykin Boulevard

South side of Boykin Boulevard, 200'± East of Alba Club Road

Use Variance to allow a shelter for women and children in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum R-3, Multi-Family Residential District for a shelter for women and children.

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.

Ben Cummings, Cummings Architecture, spoke on behalf of the applicant and said they were in agreement with the staff's recommendations. He noted that the Board had approved this once before, however, unbeknownst to him, the time limit had expired requiring them to seek a second approval. He stated that all necessary administrative work had been completed and that the applicant was ready to begin construction at that time.

The Chair asked if there questions for the applicant from the Board. Hearing none, the Chair stated that if there were those in attendance who wished to speak to please in favor or opposition, to do so at that time.

Art Maurin, 3801 Alba Club Road, Mobile, AL, stated his support of the matter.

John Burke, 2320 Boykin Boulevard, Mobile, AL, spoke in opposition to the matter and gave the following points:

- A. his family had owned their property across the street from the proposed development for over 60 years;
- B. over the years, the police had come to the site due to calls regarding gunfire and other disturbances;
- C. there has been an increase in vagrancy in the area due to the presence of the shelter;
- D. he has found hypodermic needles and condoms littering the area as a result of the shelter;
- E. opposed the original variance due to concerns over the potential increase of negative behavior associated with the shelter;
- F. felt the area was already experiencing an increase in crime and that the shelter would only add to that;
- G. represented another neighbor who also opposed the development; and,
- H. the Salvation Army had not been good stewards the property prior to the hurricane and it was not believed that they would do so now.

Major Ted Morris, director, Salvation Army in Mobile and Baldwin Counties, responded to the opposition with the following points:

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- A. he received his appointment to the position of director approximately 9 months prior and was given the schematics for the project at that time;
- B. he noted that he was very “hands on” in his leadership and assured that the site would have 24 hour a day security; and,
- C. it was his understanding that prior to the site being approved by the City Council, Councilperson Johnson had canvassed the neighbors and received nothing but favorable support for the project from those neighbors.

Hearing no further opposition or further discussion, a motion was made by Mr. Graham, with a second by Mr. Turner, to approve the request for an **Use Variance to allow a shelter for women and children in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum R-3, Multi-Family Residential District for a shelter for women and children,** subject to the following conditions:

- 1) **compliance with the landscaping and tree planting requirements as indicated on the site plan, with the addition of a buffer planting strip or privacy fence within approximately the front 50’ along the drainage ditch on the West side of the property, to be coordinated with Urban Forestry;**
- 2) **installation of a frontage sidewalk, or the approval of a sidewalk waiver application by the Planning Commission; and,**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

OTHER BUSINESS:

Mr. Palombo reminded the members in attendance that election of officers was to take place that day, however, as a number of members were not present, the election would take place in May. He urged all members to be in attendance at that meet.

Hearing no opposition, Mr. Guess moved, with second by Mr. Davis, to hold the election of officers until the May 2009 meeting.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: April 5, 2010

Chairman of the Board

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/jsl