

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF JUNE 2, 2008 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

William Guess
Vernon Coleman
Sanford Davis
Mack Graham
Russell Riley*
*supernumerary member

MEMBERS ABSENT

Reid Cummings, Chairman
J. Tyler Turner*

STAFF PRESENT

Frank Palombo, Planner II
Caldwell Whistler, Planner I
Joanie Stiff-Love, Secretary II

OTHERS PRESENT

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

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.

APPROVAL OF MINUTES:

Mr. Riley moved, with second by Mr. Coleman, to approve the minutes from the following, regularly held, meeting of the Board of Zoning Adjustment:

- June 2007

The motion carried unanimously.

HOLDOVERS:

5468

(Case #ZON2008-01041)

Southern Earth Sciences, Inc

3500 Government Boulevard

North side of Government Boulevard Service Road, 560'± West of West I-65 Service Road
South

Parking and Access/Maneuvering Surface Variances to allow aggregate parking and access/maneuvering areas in an I-1, Light Industry District; parking and access/maneuvering areas must be asphalt, concrete or an approved alternative paving surface in I-1, Light Industry Districts.

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The Chair advised the matter had been recommended for denial, however if there were any who wished to speak on the matter to do so at that time.

The following people spoke in favor of the variance:

- Frank Dagley, Frank A. Dagley and Associates, Inc., spoke on behalf of the applicant; and,
- Bill Brenner, Southern Earth Sciences, Inc., 762 Downtowner Loop West, Mobile, AL.

They gave the following points for the matter:

- A. the firm had been retained after the original filing of the Planned Unit Development was done and it is his understanding the initial application called for an I-2 zoning which would have allowed for a crushed limestone surface but was approved as I-1, which does not allow for the crushed limestone surfacing;
- B. the company is a geotechnical firm which uses heavy equipment that would quickly destroy asphalt, concrete or other non-permeable surfacing;
- C. the property itself is located off of a long access road making it almost impossible to see from the road;
- D. it is to be a two (2) phase project with Phase I being two (2) buildings at the back of the property and Phase II, the front area, being an office complex which would have paved parking;
- E. the crushed limestone surfacing would begin approximately 250 feet in from the service road, which the owners would be happy to pave it all the way to the fence; and,
- F. there were several businesses in the area, with some even adjoining the property in question who have limestone surfaces

Mr. Coleman asked Mr. Palombo if the staff recommendation for denial was primarily based upon the fact that the runoff from the limestone surfacing might enter the nearby creek.

Mr. Palombo stated the recommendation was made without the staff being made aware that Southern Earth Sciences would have track based vehicles on the property and that information would change the staff's recommendations regarding the variance and added they would probably approve the limestone parking area for those vehicles, however, the staff stood by the need to provide some area of asphalt parking as well.

The applicant stated their agreement with the same.

Mr. Guess asked if there were any more discussion on the matter.

Hearing none, Mr. Coleman moved, with second by Mr. Davis, to **deny** the request for a **Parking and Access/Maneuvering Surface Variances to allow aggregate parking and access/maneuvering areas in an I-1, Light Industry District; parking and**

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access/maneuvering areas must be asphalt, concrete or an approved alternative paving surface in I-1, Light Industry Districts.

However, Mr. Coleman also moved, with second by Mr. Davis, to **approve an aggregate surface for maneuvering of vehicles within the area North of the Southernmost proposed building** at the above referenced location subject to the following condition:

- 1) **the provision of all access and required parking be asphalt, concrete or an approved alternative paving surface.**

The motion carried unanimously.

PUBLIC HEARINGS:

#5470

(Case #ZON2008-01215)

Nazaree Full Gospel Church / Nazaree Christian School

Southwest corner of West I-65 Service Road North and First Avenue (unopened public right-of-way

Sign Variance to allow an existing outdoor off-premise advertising sign to be relocated within 430'± of another existing outdoor advertising sign, and within 400'± of residentially zoned property; the Zoning Ordinance requires at least 1000' of separation between outdoor off-premise advertising signs, and at least 500' separation from residentially zoned property.

The Chair advised the matter had been recommended for denial however if there were those who wished to speak on the matter to please do so at that time.

The following people spoke in favor of the variance:

- Gregory Holmes, 3804 Medford Drive, Mobile, AL, member of Nazaree Full Gospel Church;
- Rev. Marion Timmons, 1695 West I-65 Service Road North, Mobile, AL; and,
- Desmond Toler, Attorney at Law, 808 Downtowner Boulevard, Mobile, AL.

They gave the following points for the matter:

- A. the church is in the process of building a school on property adjacent to the church;
- B. there is current signage on the property that needs to be moved as it impedes the church's ability to construct the school as proposed; an
- C. it was the desire of the church to provide quality education to children ranging in ages 3 to 6 years; and
- D. a letter from Fredrick Richardson, council person for that area, stating his support of the endeavor.

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Hearing no opposition or further discussion, a motion was made by Mr. Coleman, with second by Mr. Davis, to approve the request for a **Sign Variance to allow an existing outdoor off-premise advertising sign to be relocated within 430'± of another existing outdoor advertising sign, and within 400'± of residentially zoned property; the Zoning Ordinance requires at least 1000' of separation between outdoor off-premise advertising signs, and at least 500' separation from residentially zoned property**, at the above referenced location.

The motion carried unanimously.

#5471/5422

(Case #ZON2008-01262)

Site Enhancement Services

1350 West I-65 Service Road South

West side of West I-65 Service Road South, 500'± South of Key Street

Sign Variance to allow 238 square feet/face on a 70' high rise freestanding sign within 1000 feet of the centerline of I-65, and three wall signs on a single tenant commercial site; the Zoning Ordinance allows 200 square feet/face on freestanding high rise signs within 1000 feet of the centerlines of I-65 and I-10 and two wall signs on a single tenant commercial site.

The Chair advised the matter had been recommended for denial however if there were those who wished to speak on the matter to do so at that time.

Brent Forte, Site Enhancement Services, 6001 Nimitz Parkway, South Bend, IN, spoke on behalf of the applicant and made the following points in favor of approving the variance:

- A. the matter had been approved in July of 2007, however, they did not get the rezoning completed in the allotted time, so the variance had expired;
- B. a packet was given to the Board members with renderings and sign dimensions; and,
- C. nothing had changed since the original approval, so it was hoped the Board would grant said approval again.

Hearing no opposition or further discussion, a motion was made Mr. Davis, with second by Mr. Coleman, to approve the request for a **Sign Variance to allow 238 square feet/face on a 70' high rise freestanding sign within 1000 feet of the centerline of I-65, and three wall signs on a single tenant commercial site; the Zoning Ordinance allows 200 square feet/face on freestanding high rise signs within 1000 feet of the centerlines of I-65 and I-10 and two wall signs on a single tenant commercial site**, subject to the following condition:

- 1) **the wall signs must not exceed the square footage as submitted in the application.**

The motion carried unanimously.

#5472

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(Case #ZON2008-01371)
Donald William Anderson
2676 Weems Drive

Northwest corner of North Mobile Street and Weems Drive

Side (Street) Yard Setback Variance to allow a 6' high wooden privacy fence along the side (street) yard at a corner lot in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 12' side (street) yard setback for fences higher than 3' in an R-1, Single-Family Residential District.

The Chair advised the matter had been recommended for denial however if there were those who wished to speak on the matter to do so at that time.

Mr. Anderson spoke on his own behalf and made the following points in favor of the variance:

- A. the property adjacent to his backyard has become overgrown and there is concern over vermin having open access to the applicant's property if the fence were to be removed;
- B. feelings that the City right-of-way along the properties in the area has been allowed to fall into disrepair;
- C. concerns regarding safety as people cross his property to access Mobile Street rather than go to the corner of Weems Drive and Mobile Street; and,
- D. feelings that the fence serves to protect him, his family and his property values.

Hearing no opposition or further discussion, a motion was made by Mr. Coleman, with second by Mr. Davis, to approve the request for a **Side (Street) Yard Setback Variance to allow a 6' high wooden privacy fence along the side (street) yard at a corner lot in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 12' side (street) yard setback for fences higher than 3' in an R-1, Single-Family Residential District**, subject to the following condition:

- 1) **the fence be moved to the required side (street) yard setback at the time Mobile Street is improved.**

The motion carried unanimously.

#5473
(Case #ZON2008-01379)
Joe M. Manning
2398 Pauline Drive

North side of Pauline Drive, at its East terminus

Use Variance to allow an accessory structure as the primary use in an R-1, Single-Family Residential District; the Zoning Ordinance requires a single-family dwelling as the primary use in an R-1, Single-Family Residential District.

The Chair advised the matter had been recommended for denial however if there were those who wished to speak on the matter to do so at that time.

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Joe Manning, 1855 Brill Road, Mobile, AL, spoke on his own behalf and offered the following points in favor of the variance:

- A. purchased the property in 2003 and has plans to build on it himself, but currently does not have the means to do so;
- B. the barn was built to provide storage for equipment needed to maintain the large tract of land; and,
- C. due to some personal issues had not had the opportunity in the time in between the March 2008 Notice of Violation and the April 2008 Municipal Offense Ticket to get the permit, but that will be done very soon.

Hearing no opposition or further pertinent discussion, a motion was made by Mr. Coleman, with second by Mr. Davis, to approve the request for a **Use Variance to allow an accessory structure as the primary use in an R-1, Single-Family Residential District; the Zoning Ordinance requires a single-family dwelling as the primary use in an R-1, Single-Family Residential District**, subject to the following condition:

- 1) **the submission and approval of a building permit; and,**
- 2) **the owner submits a notarized letter stating that only maintenance equipment needed to maintain the site shall be stored in the pole barn.**

The motion carried unanimously.

#5474/3876/3826

(Case #ZON2008-01395)

Johnita & Martyce Allen

501 Dauphin Island Parkway

Southeast corner of Dauphin Island Parkway and Duncan Street

Use, Landscaping/Tree Planting, Parking Ratio, and Access Maneuvering Variances to amend a previously approved Use Variance to allow a beauty shop in an R-1, Single-Family Residential District, with 6.4%± site landscaping/tree planting, 6 parking spaces for 2018 square feet of gross floor area, and nose-in/back-out parking; beauty shops require a minimum B-2, Neighborhood Business District, with 12% minimum landscaping/tree planting area, 7 parking spaces are required for 2018 square feet of gross floor area, and all access/maneuvering is required to be on site.

The Chair stated that it had been recommended that the matter be held over to the July 2008 meeting as there were issues regarding proper public notification of the matter, however, if there were those there who wished to speak on the matter to please do so at that time.

Martyce and Johnita Allen, 317 Dexter Avenue, Mobile, AL, spoke on their own behalf. They stated they had gotten the information they had used to send out notification by mail from the web site and asked for assistance on how to find the correct information.

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Mr. Palombo advised them that information could also be received from the Mobile County Probate Court records and suggested they contact them and verify the information they had regarding the same.

Hearing no further discussion, a motion was made by Mr. Graham, with second by Mr. Riley, to **holdover for 30 days to** allow the applicant to submit a correct public notification list to the Urban Development Planning Section. This list should be furnished no later than June 10, 2008.

The motion carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned.

APPROVED: January 4, 2010

William Guess, Vice-chairman of the Board

/jsl