

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**MEETING OF JUNE 6, 2011 - 2:00 P.M.**  
**MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM**

**MEMBERS PRESENT**

William Guess, Chairman  
Vernon Coleman  
Sanford Davis  
Adam Metcalfe  
Jeremy Milling  
Russell Reilly\*  
\*supernumerary member

**MEMBERS ABSENT**

J. Tyler Turner\*

**STAFF PRESENT**

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

**OTHERS PRESENT**

John Lawler, City Attorney  
Butch Ladner, Traffic Engineering  
Gerard McCants, Urban Forestry  
Chief Billy Roach, Fire

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 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.

**HOLDOVERS:**

**#5670**

**(Case #ZON2011-00664)**

**Mr. Rooter Plumbing**

2409 Wolf Ridge Road

(Southwest corner of Wolf Ridge Road and Feed Mill Road [private street]).

**Use, Setback, Parking, Maneuvering, Access, Surfacing, Buffer, Fence Height, and Multiple Buildings Variances to allow a Plumbing Contractor with multiple buildings on a single building site without Planned Unit Development approval, a building within 20 feet of the front property line, substandard accessways and maneuvering area, no designated parking, dirt and aggregate surfacing, no appropriate buffers, and a 6-foot high privacy fence within the front building setback in an R-1, Single-Family Residential District; the Zoning Ordinance requires all buildings to be set back at least 25 feet from the front property line, only one building on a single building site unless approval of a Planned Unit Development has been obtained, all two-way accessways and maneuvering areas to be at least 24 feet in width, 8 parking spaces for 2,250 square feet of office/work space, all accessways, maneuvering area, and parking to be paved with concrete or asphalt, appropriate buffers between commercial and residential properties, for privacy fences to**

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**be no higher than 3 feet within the front yard setback, a minimum of a B-3, Community Business District zoning.**

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.

Don Williams, Williams Engineering, 6300 Picadilly Square Dr., Mobile, AL spoke on behalf of the applicant, Mr. Rooter Plumbing and made the following points in favor of the matter:

- A. Stated that this case was a Holdover from the previous month and they had revised the site plan. The staff did not get the report in enough time to be in their report thus they were recommending denial. The site plan did meet many of the site development requirements that were needed. They wanted to request a 1 month Holdover to the next meeting to allow staff time to review that plan.

Mr. Metcalfe asked how many times the case had been heldover.

Mr. Williams noted that it would be the second Holdover.

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. Guess, with second by Mr. Coleman to Holdover the above referenced request.

The matter carried unanimously.

**#5674**

**(Case #ZON2011-00955)**

**Gulf Coast Hub Caps & Wheels**

3257 Spring Hill Avenue

(Southwest corner of Spring Hill Avenue and Durant Street)

**Side Street Setback and Site Coverage Variances to allow a building expansion within 4.5' of a side street property line and 54% site coverage in a B-3, Community Business District; the Zoning Ordinance requires a 20' side street building setback and allows 50% maximum site coverage 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.

Don Williams, Williams Engineering, 6300 Picadilly Square Dr., Mobile, AL, spoke on behalf of the applicant, Gulf Coast Hub Cap & Wheels and made the following points in favor of the matter:

- A. Stated that the staff was in possession of the revised site plan. It was an existing site for which they created a new site plan that added 10 trees where there had been none

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before. Of the 4 curb cuts, they had closed off 2 of them. Alabama Power would be taking down some of the Palm Trees that were in the way. The staff did not get enough time to review the site plan revision therefore they would like to request a Holdover.

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 Holdover the above referenced request.

The matter carried unanimously.

**PUBLIC HEARINGS:**

**#5678/5606/2239**

**(Case #ZON2011-01181)**

**Jada and Willie McElroy**

1350 Arlington Street

(Northwest corner of Arlington Street and Olive Street)

**Use, Parking Ratio, Access & Maneuvering, Off-Site Parking, Tree Planting, and Landscaping Variances to allow a convenience store and beauty salon, with seven (7) on-site parking spaces, inadequate access and maneuvering area, parking in the right-of-way, and no tree plantings or landscaping area in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum B-2, Neighborhood Business District zoning, one (1) space per 300 square feet of floor area, 24-foot two-way access and driveways, all parking to be on site and out of the right-of-way, and tree plantings and landscaping.**

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.

Jada McElroy, 1350 Arlington St., Mobile, AL, spoke on behalf of the application and made the following points in favor of the matter:

- A. Noted that she was here again since the variance had expired from the first time she had applied.
- B. Stated that she was upset with the Urban Development Department due to a number of varying factors. For much of the project, she had been dealing with 1 Planner. When the Planner was no longer with the company, she felt that she was getting the runaround and had been shifted around to various departments. In addition, no one had informed her that the variance was about to expire even though someone had come out to inspect the work

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C. Noted that all the work had been done.

Mr. Guess asked Mr. Palombo to help clarify the situation.

Mr. Palombo stated that from what he understood, the variance had expired by the time the applicant had finished the work, therefore she had to reapply. He asked if the planner she was referring to was Carla, a planner that had been in their office.

Mrs. McElroy responded that was correct.

Mr. Palombo responded that while Carla had been there at that time, that she had not been here for over a year.

Mr. Guess asked if the applicant had complied and agreed with all staff's recommendations.

Mrs. McElroy responded in the affirmative.

Mrs. McElroy asked for further clarification. She said currently the planting of the trees and the parking lot had been done. After approval, would her next step be to apply for permits or the variance.

Mr. Palombo stated that if the Board wished to approve the variance, then the next step was to bring the site plan and submit it to Permitting. She would then let it go through the channels for 5 days of review. And the office would then let her know when it was ready.

Mrs. McElroy noted that the site plans had been submitted back in April before the deadline for this meeting, possibly April the 3<sup>rd</sup>.

Mr. Palombo replied that after the 15 days of waiting were met and if nothing had changed on the submitted site plan, then she should be able to get a permit.

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. Coleman, with second by Mr. Davis to approve the above referenced request, subject to the following conditions:

- 1) revision of the parking area to provide an acceptable means of ingress/egress to be approved by Traffic Engineering;**
- 2) submission and approval of a non-utility right-of-way use agreement to allow parking along Olive Street;**
- 3) coordination with Urban Forestry regarding tree plantings;**
- 4) provision of a dumpster, screened from view and in compliance with Section 64-4.D.9 of the Zoning Ordinance, or the placement of a note on the site plan stating that garbage collection will be curb-side via a private pick-up service and no dumpster will be utilized;**

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- 5) provision of a revised site plan to the Planning Section of Urban Development prior to the issuance of any permits or land disturbance activities; and**
- 6) full compliance with all other municipal codes and ordinances.**

The matter carried unanimously.

**#5679**

**(Case #ZON2011-01182)**

**Robert Hampton Mostellar**

301 Durham Drive East

(Southeast corner of Durham Drive East and Airport Boulevard).

**Wall Height Variance to allow a wall 6' to 8' in height within 8' of a side street side yard; the Zoning Ordinance requires any wall or fence built within a side street side yard to be 3' in height or less.**

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.

Jerry Byrd, Byrd Surveying, 2609 Halls Mill Rd, Mobile, AL, spoke on behalf of the applicant, Robert Hampton Mostellar and made the following points in favor of the matter:

- A. Noted that the Mostellar family lived at the location on the corner of Airport Boulevard and Durham Drive East. At present, along Airport Boulevard and for a short distance on Durham Dr. East, there was a very large Wax Privet hedge about 8 feet wide and 15-20 feet tall. The applicant wanted to build a brick, concrete or a masonry wall. It would start on the east property line, go out somewhere near the corner, turn 90 degrees, be brought in and tied in to the side of the house.
- B. Stated that this was for security reasons, as well as cutting down noise from Airport Boulevard. Although the hedge was wide, the height of it had eliminated some of the growth on the bottom thus making it easy for someone to come through that hedge to get into the yard. The height was listed at 6-8 feet because the land started a little higher at Durham Dr. and sloped going toward the east property line. It would start at 6 feet, go to a column, be a little higher at the column, step back down and keep stepping down.

Mr. Ladner asked how far off behind the base of the curb it would be.

Mr. Byrd replied that it was 12-14 feet. He also stated that the hedge was going to remain in place and be located just inside this side of it.

Mr. Milling asked how long the hedge been there.

Mr. Byrd stated that the hedge had been there for quite a while since it was 15-20 feet in height. To get to that height, he felt they were at least 10-14 years old.

Mr. Coleman asked if the issue was the three feet from the distance of the side street.

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Mr. Palombo stated that the side street setback required a 20 foot setback. Anything within that 20 foot side yard setback along Airport Blvd. could not be higher than 3 foot in height. He then added that the applicant wanted to exceed the side yard setback maximum of 3 foot to 6 or 8 foot.

Mr. Coleman asked if the reason for the height was based upon the line of site.

Mr. Palombo replied in the affirmative.

Mr. Coleman noted that the height of the wall had no bearing when you considered that the trees were already 20-40 feet in height

Mr. Palombo replied that was correct.

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. Davis to approve the above referenced request, subject to the following conditions:

**1) full compliance with all other municipal codes and ordinances.**

The matter carried unanimously.

**#5680**

**(Case #ZON2011-01186)**

**Steve Greene**

914 Henckley Avenue

(West side of Henckley Avenue, 564'± North of Chandler Street).

**Combined Side Yard Setback Variance to allow a total combined side yard setback of 15.2' on a 50' wide lot in an R-1, Single-Family Residential District; the Zoning Ordinance requires a total combined side yard setback of at least 16.7' on a 50' wide lot 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.

Steve Greene, Holly Home Builders, 914 Henckley Ave. Mobile, AL, spoke on behalf of the application and made the following points in favor of the matter:

- A. Stated that the staff report was incorrect. It stated that he was going to a 15.2 setback and he was not. The legal setback right now was 16.7 feet and he was at 16 feet.
- B. Stated that he was also Holly Homes, the homebuilder and developer here in Mobile. This was his daughter's personal house that he started to build in Pinehurst. He made an honest mistake. When the applicant met with Mr. Whistler one day, he said he could go as little as 7.2 feet on one side and as much as 9.5 feet on the other side. He didn't hear the total combination of 16.7 feet. So when he drew up the plans, he put a comfortable 8

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on both sides knowing he could go as little as 7. A straight 8 was typical in Mobile. The applicant had been in the building business 14 years and this was the first time he had been in front of the Board. What he had to do in order to get the permit that day was to take a brick off the house. What he was asking for today was 3 ½ inches on each side of the house. That way he could add the brick back onto the house.

- C. Pinehurst was a mixture of setbacks and restrictions. One street over on Wesley had 5 feet side lines there. The next street over had 0. One could find side lines anywhere from 0 to 5 feet. He would not be encroaching on anybody. He would prefer to have a brick house because it was better to insure and had a higher property value. What he was asking for today was 3 ½ inches on both sides.

Mr. Coleman asked if it was approved, would gutters need to be added to the structure.

Mr. Palombo replied that while it was up to the Board, typically if it was more than 5 feet, gutters and downspouts were not required.

Mr. Greene noted that it would have gutters and down spouts on the house.

Mr. Palombo noted that it could be put on as one of the recommendations.

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. Coleman, with second by Mr. Metcalfe to approve the above referenced request, subject to the following conditions:

- 1) **8-foot side yards as specified by the applicant at the Board meeting;**
- 2) **the placement of gutters and downspouts along the side yards; and**
- 3) **full compliance with all other municipal codes and ordinances.**

The matter carried unanimously.

**#5681**

**(Case #ZON2011-01192)**

**Lori Blalack**

164 Mohawk Street

(West side of Mohawk Street, 175'± North of Clearmont Street)

**Front and Side Yard Setback Variances to allow an addition within 22.8' of the front property line of an existing residence as well as an addition within 4.4' of a side property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 25' front yard setback, and a minimum side yard setback of 7.1' on a lot that is 50' wide in an R-1, Single-Family Residential District.**

The Chair announced the matter, advising it had been recommended for denial for the front yard and approval for the side yard with conditions. He also asked that the applicant should address the Board regarding the subject at that time.

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Lori Blalack, 164 Mohawk St., Mobile, AL, spoke on behalf of the application and made the following points in favor of the matter:

- A. Stated that they were requesting a variance to put an addition on the back of the house for another bathroom and bedroom. They currently had a 2 bedroom, 1 bath and wanted to make it a 3 bedroom, 2 bath house.
- B. Noted that she would also like to put a front porch on the house. The existing stairs on the front porch right were very narrow. Her size 7 foot did not even fit on the stair and a grown man's foot would hang right off. Their parents and grandparents came by frequently and inevitably somebody was falling up or down the stairs. She did understand that you had to have 20 foot at a 10 foot - 10 foot on back side yard or an 8 foot - 12 foot on each side yard from the back of the house. Their house sat 4 foot, 4 inches off the property line. They wanted to stay within line of the existing structure and add onto the house. As to the front porch, they were at 28 feet and a couple of inches from the front variance of 25 feet. They wanted to come in a couple of feet to add the porch on with more substantial stairs.
- C. Noted that the neighborhood had been built long before all these rules and regulations were set into place. Throughout the neighborhood, one would see houses both 5 and 10 feet off the property line with really no consistency. Structurally they would be adding to the house which would make it look nicer and would not be overbuilding for the area.

Mr. Guess asked if the applicant had seen the staff's recommendations.

Ms. Blalack replied no she had not.

Mr. Guess noted that it recommended provisions for gutters and downspouts on the south side, compliance with all building and fire code, and full compliance with municipal codes and ordinances. He then asked if she was in agreement with those.

Ms. Blalack replied that she was in agreement.

Mr. Palombo pointed out that staff recommended denial on the front yard and approval of the side yard.

Mr. Palombo also noted that looking on the overview of the applicant's property that it seemed that there were a few houses that were within that setback.

Mr. Guess noted that in review of the pictures they seemed consistent with what the applicant had stated about the different setbacks.

Mr. Metcalfe asked for clarification on whether staff was recommending for the provision of existing or new gutters and downspouts on the south side of the structure.

Mr. Palombo replied that it was for new gutters and downspouts.

Mr. Metcalfe then asked the applicant if she was clear on that point.

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Ms. Blalack stated that right now there were not any gutters on the house.

Mr. Metcalfe clarified that the staff was suggesting that when she did do the addition, that gutters and downspouts were to be put along the entire side of the house.

Ms. Blalack stated that she was in agreement.

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. Coleman, with second by Mr. Metcalfe to approve the above referenced request, subject to the following conditions:

- 1) **provision of gutters and downspouts on the South side of the structure;**
- 2) **compliance with all building and fire safety codes regarding firewall separations;**  
**and**
- 3) **full compliance with all municipal codes and ordinances.**

The matter carried unanimously.

**#5682**

**(Case #ZON2011-01197)**

**Wrico Signs Inc.**

(West side of North Sage Avenue, 473'± North of Dauphin Street)

**Sign Variance to allow a double-faced, 1'-8" wide x 2'-5" high off-premise directional sign with a corporate logo in a B-2, Neighborhood Business District; the Zoning 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 denial and that the applicant should address the Board regarding the subject at that time.

Jeremy Milling recused himself from voting on the application, explaining that his company has been involved in the project with Regions Bank.

Mr. Guess stated that Mr. Reilly was the supernumerary and he would be voting in Mr. Milling's absence.

Thom Fowler, CB Richard Ellis, 891 Hillcrest Rd., Mobile, AL, spoke on behalf of the applicant, Wrico Signs and made the following points in favor of the matter:

- A. Stated that they would like an off premise directional sign. This would help allow their customers access to the property. A Red Cross had a nice access road close to their property. People were not aware that they could use that road off of Sage Avenue to also access their property. They wanted to have a sign there that would help direct people.

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Right now they only had one means of entrance as far as the customers are aware of and that was on Dauphin St. It was a very difficult left hand turn when one was heading east driving on Dauphin St. They were trying to help make it better by giving them an opportunity to go to a different entrance.

Mr. Coleman asked Traffic Engineering if this would help alleviate some of that traffic going from Sage Avenue to Dauphin St. that was so congested, in particular right turns. He also noted that the traffic backed up there for sometimes 2 and 3 light changes in that area.

Mr. Ladner asked if this would be using an existing driveway.

Mr. Fowler replied yes.

Mr. Ladner replied that was not a problem if it was an existing drive. He then asked the applicant how far from the intersection was that driveway and would they be making only right turns out of it.

Mr. Fowler stated that technically from that drive one could actually go left or right.

Mr. Ladner asked if there were any encumbrances and how far was the driveway from Sage Avenue.

Mr. Fowler noted that there were no encumbrances.

Mr. Coleman noted that it was a city block away.

Mr. Ladner stated that he did not see any problems. He also stated that it was desirable anytime you could put traffic on a road that was easier for motorists to navigate.

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. Davis to approve the above referenced request, subject to the following conditions:

- 1) full compliance with all municipal codes and ordinances.**

The matter carried unanimously.

**OTHER BUSINESS:**

Mr. Guess stated that were minutes to approve for December 6, 2010.

A motion was made by Mr. Metcalfe, with second by Mr. Guess to approve the minutes.

There being no further business, the meeting was adjourned.

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**APPROVED:**  
December 6, 2010

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Chairman of the Board

/sg