

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**MEETING OF AUGUST 4, 2003 - 2:00 P.M.**  
**MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM**

**MEMBERS PRESENT**

Richard Collier  
Rev. Clarence Cooke  
H. Lamar Lee  
Edley Hubbard (S)

**MEMBERS ABSENT**

Reid Cummings, Chairman  
Stephen J. McDavitt  
Vandalyn Pierre

**STAFF PRESENT**

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

**OTHERS PRESENT**

David Roberts, Traffic Engineering  
David Daughenbaugh, Urban Forestry

The Vice-chairman, Mr. Collier, chaired the meeting, in the absence of Chairman Cummings. Mr. Collier noted that the number of members present constituted a quorum and called the meeting to order.

The notation *motion carried unanimously* indicates a consensus, with the Vice-chairman voting.

**APPROVAL OF MINUTES:**

A motion was made by Mr. Hubbard and seconded by Rev. Cooke to approve the minutes of the June 2, 2003, meeting as submitted. The motion carried unanimously.

**EXTENSION:**

**#5160**

**(Case #ZON2003-00050)**

**Krewe of Marry Mates, Inc.**

(Area bounded on the West by South Washington Avenue, on the South by Kentucky Street, on the East by South Scott Street, and the North by Tennessee Street [unopen] and Illinois Central Gulf Railroad right-of-way)

*The plan illustrates the existing buildings along with the proposed buildings, driveways, parking, and landscape.*

Mr. Paul Tidwell of 3305 Anson Court represented the applicant and stated that the organization was not able to begin construction on the proposed structures within the six months since the variance was approved. He requested a one-year extension of the previous approval.

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A motion was made by Mr. Hubbard and seconded by Mr. Lee to approve the request for a one year extension of the previously approved Use Variance.

The motion carried unanimously.

**PUBLIC HEARINGS:**

**#5191**

**(Case #ZON2003-01464)**

**Jimbo Blankenship**

**1260 Carleton Acres West**

(West side of Carleton Acres West, 164' ± South of Halls Mill Road)

**Rear Yard Setback Variances to allow an existing garage 0.2' and an existing shed 6.1' from the rear property line; an 8' minimum rear yard setback is required from the rear property line in an R-1, Single-Family Residential District.**

*The plan illustrates the existing structures, fence and drive.*

There was no one present to present the application.

A motion was made by Mr. Lee and seconded by Rev. Cook to deny the request for Rear Yard Setback Variances to allow an existing garage 0.2' and an existing shed 6.1' from the rear property line.

The motion carried unanimously.

**#5193**

**(Case #ZON2003-01569)**

**B & L Enterprises, LLC., (Baron & Laurie Benjamin, Owners)**

**115 Providence Street**

(West side of Providence Street, 230' ± South of Spring Hill Avenue, extending to North Catherine Street)

**Use, Off-Site Parking and Parking Surface Variances to allow a bed and breakfast in an R-1, Single-Family Residential District with an off-site, aggregate surface parking lot in a B-1, Buffer Business District; a bed and breakfast is allowed by right in a B-1, Buffer Business District, the Zoning Ordinance requires all parking to be located on-site and the parking surfaces to be asphalt, concrete or an approved alternative paving surface.**

*The site plan illustrates the existing building, pavement, setbacks, proposed parking, and proposed lot subdivision.*

Ms. Laurie Benjamin of 115 Providence Street, the applicant, stated that they purchased the subject property and realized during the renovation process, thought it would be a good site for a bed & breakfast facility. It was originally a four-unit apartment and the applicant restored it to a single-family residence. Ms. Benjamin said they had applied to the Planning Commission for rezoning in June. The

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Planning Commission determined this was a Use Variance issue rather than a rezoning issue, and recommended they apply to the Board. She requested approval of the application.

Mr. Collier asked if the second part of her request was for relief from paved parking.

Ms. Benjamin said yes, but she was not opposed to paving the parking area.

Mr. Felix Vereen of 1750 Dauphin Street stated that he was currently president of the Old Dauphin Way Historic Association. He went on to say that the organization had not received any opposition and supported the application.

There was no one present in opposition.

In discussion, Mr. Collier noted that the area was surrounded on the north by B-1 uses and the rear of the subject property was zoned B-1. He noted that there was no opposition received by the Old Dauphin Way Historic Association.

Ms. Pappas reported that the Planning Commission supported the use of the property, but were concerned with rezoning a house on a residential street for commercial use. That body recommended that the applicant seek a Use Variance because it was use specific.

There was a brief discussion concerning the request for an aggregate surface. It was determined that previous approvals included requirements for curbing and wheel stops to delineate parking spaces.

A motion was made by Mr. Hubbard and seconded by Rev. Cooke to approve the request for Use, Off-Site Parking and Parking Surface Variances to allow a bed and breakfast in an R-1, Single-Family Residential District with an off-site, aggregate surface parking lot in a B-1, Buffer Business District subject to the following conditions:

1. provision of curbing for the aggregate parking area;
2. provision of wheel stops to delineate parking spaces; and
3. provision of frontage trees to be coordinated with Urban Forestry.

The motion carried unanimously.

**#5194/4688/2517**

**(Case #ZON2003-01571)**

**Kwik Kare, Inc.**

**154 Randolph Street**

(East side of Randolph Street, 50' ± North of Jenkins Street)

**Use Variance to reopen a previous variance to allow medical sales with associated warehousing in an R-1, Single-Family Residential District; medical sales is allowed by right in a B-2, Neighborhood Business District.**

*The plan illustrates the existing structure and proposed parking.*

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Mr. Gerald Byrd of Byrd Surveying Company represented the applicant and stated that they concurred with all the staff recommendations except number three, which recommended a 24' wide driveway. There were only two employees and all business was handled by phone. The equipment was assembled there and delivered to the customer. He felt there was no need to increase the size of the driveway and requested that this condition be deleted.

There was no one present in opposition.

A brief discussion centered on the size of the driveway. It was determined that if this were a commercially zoned property two 12' or one 24' wide driveway would be required.

A motion was made by Mr. Lee and seconded by Mr. Hubbard to approve the request for a Use Variance to reopen a previous variance to allow medical sales with associated warehousing in an R-1, Single-Family Residential District subject to the following conditions:

- 1) the provision of bumper stops for all parking spaces;
- 2) that all of the parking spaces are to be striped;
- 3) the driveway be widened 24-foot wide for two way traffic;
- 4) a sign shall be restricted to 1' x 2', unlighted, and affixed to the building;
- 5) the provision of a privacy fence where the site adjoins residential property; and
- 6) full compliance with the landscaping and trees.

The motion carried unanimously.

**#5195**

**(Case #ZON2003-01556)**

**Billy Hill and Johnny Nguyen**

**161 Mobile Street**

(Southwest corner of Spring Hill Avenue and Mobile Street)

**Access/Maneuvering and Landscaping Variances to allow a 21' 7" wide two way driveway, an 11' 3" one way driveway along the west side of the building, an 11' one way driveway along the south side of the building and to allow off-site landscaping; the Zoning Ordinance requires that two-way driveway be a minimum of 24-foot wide, one way driveway be a minimum of 12-foot wide and all landscaping is to be on site in a B-3, Community Business District.**

*The plan illustrates the existing and proposed structure, parking and setbacks..*

There was no one present to present the application.

A motion was made by Mr. Lee and seconded by Rev. Cook to deny the request for Access/Maneuvering and Landscaping Variances to allow a 21' 7" wide two way driveway, an 11' 3" one way driveway along the west side of the building, an 11' one way driveway along the south side of the building and to allow off-site landscaping.

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The motion carried unanimously.

**#5196**

**(Case #ZON2003-01585)**

**Jacque Pate, (Country Club Joint Venture, Owner)**

(Right-of-way located at the Southeast corner of Spring Station Road and Airport Boulevard -- median located between Airport Boulevard and Service Road)

**Sign Variance to allow a 16 square foot off-site freestanding sign located in city right-of-way; all signs must be located on-site (private property).**

*The site plan illustrates the proposed sign location, existing traffic signs and landscaping.*

Mr. Jacque Pate, Jr., the applicant, stated that the purpose of the application was to allow a sign to be located in the city right-of-way on Airport Boulevard, which would provide visibility for his subdivision. He went on to say that it was difficult for the public to locate the subdivision, and this had affected the sale of lots. Mr. Pate stated the he attempted to design a sign that would be small and effective. He presented photographs depicting similar real estate signs erected in the city. He felt the sign would not be a visibility problem for traffic entering the area because it would be placed on the east side of the entrance to Spring Station Road.

Mr. Jacque Pate, Sr. noted that this would be a non-illuminated wooden sign. There would be at least 100' to the nearest residence on Spring Station Road. He felt no resident would be able to view the sign until they were leaving the neighborhood because the sign would be read in an east/west direction. He noted that there were two commercial signs in the city right-of-way across Airport Boulevard from where they proposed to place their sign.

Mr. Hubbard asked if the signs across Airport Boulevard were located on private property.

Mr. Pate, Jr. said they were located in the city right-of-way.

Mr. Hubbard asked if they had explored other methods of advertising.

Mr. Pate, Jr. said yes.

Mr. Edward McGaughy of 720 Spring Station Road was opposed to the application for safety reasons. He referred to a letter of opposition from Mr. Cecil L. Pugh of 716 Spring Station Road that was inserted in the Board's packets. Mr. McGaughy felt the sign would be a line of sight issue. He read Mr. Pugh's opposition to the proposed placement of a sign:

- 1. Any sign on a right-of-way detracts from the beauty of Mobile.*
- 2. If a variance were allowed on the south side of Airport Boulevard, then there would be the possibility of a request for the same type of sign to be placed on the north side.*

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3. *If a variance were granted in this instance, it would set a precedent for other requests.*
4. *There is no established limit to the time in which the sign will remain erect. This means the sign could possibly remain in place for months or even years.*
5. *There were many ways to advertise a private, commercial venture other than using city public right-of-ways.*
6. *The intersection of Airport Boulevard and Spring Station Road is already dangerous with hazardous visual obstructions. A sign in this location would only compound the visibility problem.*

Mr. McGaughy asked that the application be denied.

Mr. Doug Knoll of 4109 Briarcliff said his property backed up to the Country Club Court subdivision. He objected to the proposal for safety reasons. This entrance to the neighborhood had become an exit from Airport Boulevard for eastbound traffic going to nearby shopping center, apartment complex, and restaurant, as well as a “U-turn” for westbound traffic. Mr. Knoll also objected to setting a precedent for future requests by realtors.

Mr. Mason Allen of 4109 Airport Boulevard expressed concern for setting a precedent.

Ms. Elizabeth Diehl of 724 Spring Station Road expressed concern for increased traffic on Spring Station Road. She pointed out that the signs for the commercial development across Airport Boulevard were not directly across from their subdivision. She felt those signs were not a factor in this issue.

Mr. Pate, Jr. felt that placement of the proposed sign would not impede line-of-sight. He went on to say that a traffic survey was performed prior to the establishment of the subdivision that determined the subdivision would not impact traffic. He was not opposed to erecting a smaller sign.

Mr. Collier noted that Traffic Engineering had indicated there would be a line-of-sight problem with the proposed sign.

Mr. Pate, Jr. disagreed.

Mr. Pate, Sr. stated that the sign would have no impact on traffic because of the small size and the proposed placement on the east side of Spring Station Road.

In discussion, Mr. Lee asked why there was a need for this application when realtors commonly placed signs in the city right-of-way.

Ms. Pappas stated that the applicant repeatedly had his signs removed. Permanent signs could not be permitted for placement in city right-of-way. The applicant proposed to permanently install a sign, therefore, the applicant was required to seek a variance.

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Mr. Dave Roberts of Traffic Engineering took issue with the applicant's position that placement of the proposed sign would not create a line-of-sight problem. He went on to say that although there might be no line-of-sight problem in this instance, a precedent would be set and future requests could present problems.

A motion was made by Mr. Lee and seconded by Mr. Hubbard to deny the request for a Sign Variance to allow a 16 square foot off-site freestanding sign located in city right-of-way.

The motion carried unanimously.

**OTHER BUSINESS:**

A motion was made by Rev. Cooke and seconded by Mr. Lee to approve the proposed meeting and deadline schedule for 2003-2004.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

**APPROVED:**           September 8, 2003

/s/ Vice-chairman of the Board

/rm