

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**MEETING OF JULY 10, 2006 - 2:00 P.M.**  
**MOBILE GOVERNMENT PLAZA, AUDITORIUM**

**MEMBERS PRESENT**

Reid Cummings, Chairman  
Stephen J. Davitt, Jr.  
William Guess  
Martha Collier  
Vernon Coleman  
Sanford Davis

**MEMBERS ABSENT**

J. Tyler Turner, III

**STAFF PRESENT**

Frank Palombo, Planner II  
Caldwell Whistler, Planning Technician  
David Daughenbaugh, Urban Forestry  
Joel Potter, Urban Forestry  
Mae Sciple, Secretary II

**OTHERS PRESENT**

John Lawler, Assistant City Attorney  
David Roberts, Traffic Engineering

Chairman Cummings noted the number of members present constituted a quorum and called the meeting to order.

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

**APPROVAL OF MINUTES:**

A motion was made, seconded and so ordered to approve the minutes of the meeting of June 5, 2006, as submitted. The motion carried unanimously.

**PUBLIC HEARINGS:**

**#5318/5357**

**(Case #ZON2006-01237)**

**David D. Brown**

**1004 Dauphin Island Parkway**

**(West side of Dauphin Island Parkway, 220'± North of Woodlawn Drive North)  
Use Variance to allow a machine and fabrication shop in a B-2, Neighborhood Business District; the Zoning Ordinance requires a minimum of an I-1, Light Industry District.**

David D. Brown of 1234 Sudan Street, Mobile, applicant, was present representing Mobile Sheet Metal, as well as Central Baptist Church, owners of the subject property. Mr. Brown stated that a variance for this property was actually granted in August of 2005, but due to hurricane Katrina and a number of other delays, the variance expired before they could get the necessary permits and licenses. They were now requesting that the variance be re-issued.

**July 10, 2006**

Mr. Cummings asked the staff if this application was any different than the application that was previously approved.

Mr. Whistler stated that in this application the applicant indicated that there was a potential for increased shifts, which was just a little bit different from the wording of the previous application.

Mr. Brown said he did not believe that was part of the application, because the actual paperwork was exactly the same paperwork as submitted for the previous application.

Mr. Cummings noted that the staff report indicated the hours of operation would be 6 a.m. to 4:30 p.m., Monday through Thursday, but it was proposed that there could perhaps be additional shifts in the future above and beyond these time frames.

Mr. Brown stated that there were no plans for additional shifts that they were aware of at this time.

Mr. Cummings asked when, if this variance were granted, Mr. Brown's client would move forward with this use.

Mr. Brown said they had actually begun moving forward with it. They had contracted an architectural firm, McCormick and Hall, who had done drawings. Mr. Brown said they were not aware that the previous variance had expired until they met with the Urban Development staff earlier this year to discuss the landscaping.

There being no one else to speak either in favor or against this application, Mr. Cummings asked if the Board members had any questions.

Mr. Guess said he understood that everything as far as the intent for these buildings was the exactly the same as approved previously.

Mr. Brown said the intent was the same. They had made a request, however, for a variance on some of the landscaping. The Ordinance requires that 60 percent of the green space be placed in front of the building between the front of the building and the street. Mr. Brown said they were requesting a variance because that area was already an existing paved parking area and due to the size of the lot, approximately 9500 square feet of green area around that would be required up front. There was no way to place that area with the existing building there, as well as parking, access drives, etc.

Mr. Palombo stated that a variance on the landscaping was not noted on this application.

Mr. Cummings asked if landscaping was a requirement of the previous variance.

Mr. Palombo said that it was a requirement of the previous approval.

Mr. Guess asked if he understood that the building that sits at the rear of the property was used by the church as well.

**July 10, 2006**

Mr. Brown said the building on the rear of the property was a gymnasium. It was not being utilized at all. He said they were in discussions with a community group, who was in discussion with the Mayor's office about possibly putting some kind of an after school program in there, but nothing had been done to that building.

Mr. Guess asked if the requested variance involved all three buildings today.

Mr. Brown said no. It only involved 1004 Dauphin Island Parkway.

Mr. Palombo said they were looking at the major building on the property.

After discussion a motion was made by Mr. Coleman and seconded by Mr. Davis to approve a **Use Variance to allow a machine and fabrication shop in a B-2, Neighborhood Business District at the above referenced location.**

Mr. Cummings asked Mr. Coleman if his motion was to approve the identical motion that was made at the meeting in August of 2005 when the variance was granted, or did it include the applicant's further request for reduced landscaping on the front. He noted that although the Board approved the variance in the past, this application was apparently different than what was previously approved in that the applicant was requesting a little less impactful landscape requirement.

Mr. Palombo stated that the landscape variance was not requested on this application.

Mr. Brown stated that they submitted a regular site plan drawing along with a separate letter requesting variance of the landscaping, and they paid for an additional variance.

Mr. Palombo said the Urban Development office did not receive that packet.

Mr. Lawler asked if there was any discussion of the landscaping when the previous variance was granted.

Mr. Palombo said that a condition of the previous approval was compliance with the landscaping and tree planting requirements of the Ordinance, to be coordinated with Urban Forestry.

Mr. Lawler asked Mr. Brown if he understood correctly that although the application that was before the Board today did not mention landscaping, he had submitted a separate document regarding the landscaping.

Mr. Brown said that at the time this request for variance was submitted to the Urban Development office, they requested the variance as it was approved last year. There was also a second document, a letter, submitted along with a site plan. Mr. Brown said they had no problems with the tree requirements or the amount of green area. They had sufficient trees and green area on the property. It was simply the amount –9,000 square feet – of green area that would have to be placed in the front of the building between the road, and there was no way they could provide that amount of area.

**July 10, 2006**

Mr. Cummings asked if it was when Mr. Brown attempted to meet with the staff regarding the landscape issue and learned that the variance had expired, that he became aware that full compliance with the landscape and tree planting ordinance would not work for them.

Mr. Brown said they made the mistake of listening to someone who interpreted the Ordinance as not requiring them to have that particular part of the landscaping. In consequent meetings with Urban Development, when it became obvious that they would be required to provide 60 percent of the green area in front of the building, they became aware that the variance had expired as far as the zoning use.

Mr. Cummings said that the staff report indicated that the two larger buildings to the middle and to the rear of the site were warehouses, and the smaller building up along Dauphin Island Parkway was a seafood store.

Mr. Brown said that was correct. The smaller building had been used for a seafood establishment for at least 15 years.

Regarding the landscape requirements, Mr. Palombo noted that the Ordinance requires 12 percent green area for the whole site, which the applicant could meet. There was significant cover in the back. Sixty percent of that 12 percent would have to be furnished within the front setback of the second building, not the first one. If the Board wanted to approve the variance based on coordinating the landscaping with Urban Forestry, Mr. Palombo felt they could work something out.

Mr. Cummings said he wanted to make sure that everyone on the Board understood that a use variance for this site was previously approved without the condition of full compliance with the landscape and tree ordinance becoming an issue. Now, due to circumstances beyond anyone's control, the time frame on which he had to act upon the variance had expired and the applicant was requesting the same variance. It was evident that the Board's sentiment was to approve the variance as it was previously approved, which did not include a waiver of any kind of full compliance with the landscaping and tree ordinance. Mr. Cummings said his concern was that the Board not put itself in a position where they do not do something that they previously did, but at the same time they did not expand something that they previously did when it was not technically asked for in the application.

Mr. Brown said their mistake was in misinterpreting the ordinance regarding landscaping requirements for renovation or modification or renewal not exceeding 50 percent. Their surveyor and several other individuals advised them that under this section they were not held to the landscape requirements. Mr. Brown said they did not have any problem with the Board requiring the compliance with the landscape and tree planting ordinance. It was simply a hardship for them to have to tear up the existing asphalt parking lot and put in 9500 square feet of green area.

Mr. Cummings further commented that the 50 percent rule Mr. Brown referred to applied if the buildings were damaged or torn down or more than 50 percent of it was renovated. That was not the case here. Also, Mr. Cummings said their application today technically did not ask for a waiver of full compliance with the requirements of the landscape and tree ordinance. The first application was approved with the inclusion of full compliance with the landscape and tree

**July 10, 2006**

ordinance, and that is what the motion was here today. Mr. Cummings suggested that if the Board was willing to approve this application as previously submitted, and the applicant still felt that compliance with the landscape and tree ordinance in full, as was a condition of the previous approval, would pose a hardship, then he could come back to the Board with a new application. Mr. Cummings said he did not want the Board to set a precedent by approving things that were not asked for in the application itself.

Mr. Brown said he understood. He again stated that he did not know why the request for a variance on the landscaping was not a part of this application, as he did submit it.

After discussion Mr. Coleman amended his motion to approve this request for a **Use Variance to allow a machine and fabrication shop in a B-2, Neighborhood Business District at the above referenced location subject to the following condition:**

- (1) full compliance with the landscaping and tree planting requirements of the Zoning Ordinance, to be coordinated with and approved by Urban Forestry.**

Mr. Davis seconded the motion.

Mr. Cummings asked if there was any further discussion.

There were further questions about future expansion and the use of the gymnasium part of this facility.

Mr. Brown said any expansion foreseen, possibly in five or ten years, would be additional personnel during the existing hours. Regarding the gymnasium building, he said they tried to buy the property without this building, but it was part of the deal. Also, as he mentioned previously, there had been some discussion with some community groups about perhaps utilizing the building as a city-run recreation facility or some kind of after school program.

Ms. Collier asked Mr. Brown if he saw an after school program in keeping with the character of what they were doing in their light industry.

Mr. Brown said he did not see where there would be any conflict. Their operation was entirely within the walls of the building.

Mr. Collier asked Mr. Palombo what he thought about this industry being next door to an after school program.

Mr. Palombo said that the after care was a potential use, but the decision on the variance was up to the Board. He pointed out, however, that the site was zoned B-2, which would allow day care by right. The I-1 use was just proposed for the one particular building, which he pointed out on the map, and the parking associated with it.

Ms. Collier asked if the B-2 would allow light industry.

July 10, 2006

Mr. Cummings said B-2 would not, but the I-1 variance would. He said he understood Ms. Collier's concern as to whether a day care use would be harmonious with a light metal fabrication plant.

Ms. Collier said her concern was that the character of the neighborhood right now would not support a day care, and would not support the use of this very large gymnasium facility doing something that would profit that neighborhood or the entire city.

Mr. Coleman commented that the applicant was already in the neighborhood, so the proposed use would not change the neighborhood.

There being no further discussion, Mr. Cummings called for a vote on the motion.

The motion carried. (Ms. Collier voted against the motion.)

**#5358**

**(Case #ZON2006-01234)**

**Carter Engineering Consultants (Jeff Carter, Agent)**

**6361 Cottage Hill Road**

(South side of Cottage Hill Road, 180'± East of Hillcrest Road)

**Parking Ratio and Access/Maneuvering Variances to allow the conversion of an existing florist shop to a coffee shop in a B-2, Neighborhood Business district with fourteen (14) on-site parking spaces and a 10' wide one-way drive; the Zoning Ordinance requires twenty four (24) on-site parking spaces for a 2,400 square foot building.**

Mr. Cummings announced that this application had been withdrawn at the request of the applicant.

**#5359**

**(Case #ZON2006-01245)**

**James & Debra Foster**

**4507 Park Road**

(East side of Park Road, 125'± South of the East terminus of Canal Road)

**Side Yard Setback Variance to allow the construction of a 24' x 31.5' carport 2.38' and a 16' x 30' addition 1.65' from the side (East) property line; a minimum side yard setback of 7.1' is required for structures on a 50' wide lot in an R-1, Single-Family Residential district.**

James Foster of 4507 Park Road, applicant, was present in this matter. Mr. Foster stated that this property received a good bit of damage in hurricane Katrina. He noted his property and the other lots in this area were all 50' lots that were set up in the 1950's. His house was built in the '30's, and was built right up against the property line. It was 1.65' from the side (East) property line, near the bay, and 2.38' from the side (East) closest to Park Road. They were requesting this variance to allow the construction of the carport just over the back of the house staying the existing 2.38 feet from the fence. Mr. Foster noted that the staff report indicated that the proposed addition was 16' x 30', which was incorrect. The proposed addition would be 8' x 30'. He said they were going to keep the same roof line, but narrow it in two feet on both sides, so instead of being 1.65' from the edge of the property line, it would now be 3.65' from the

**July 10, 2006**

property line in order to extend the front of the house a little bit on the front. Mr. Foster pointed out that his neighbor's house was also built on the property line and had about the same offset distance from his house. He said this condition existed in 1984 when they bought their house.

Mr. Cummings commented that it did not appear from the staff report that the addition to the rear, nor the addition towards the bay, was any closer to any existing adjoining buildings. He asked if that was correct.

Mr. Palombo said that was correct.

Mr. Foster said they would actually be moving the front side two feet further away.

There was no one else to speak in favor, nor against this application.

Mr. Cummings noted that the staff had recommended approval of the variance subject to a 5' side yard setback as opposed to 2.38' at the rear and 1.65 on the front.

Mr. Foster said that on the back side where the carport was to be constructed, narrowing in to 5' would not be a problem. On the front side, he said they were already reduced to 2 feet. He said it could happen, but it would be a little more of a hardship.

Mr. Palombo asked if understood Mr. Foster to say that they were requesting 3.65' on the bay side rather than 1.65'

Mr. Foster said that was correct. He and his architect had gotten together and moved it 2 feet on each side of the house, so this would reflect a 3.65' setback instead of 1.65 feet.

After discussion a motion was made by Mr. Davitt and seconded by Mr. Coleman to deny this request for a Side Yard Setback Variance to allow the construction of a 24' x 31.5' carport 2.38' and an 8' x 30' addition 1.65' from the side (East) property line at the above referenced location. **The Board, however, approved a Variance for a setback of 3.65' along the side (East) property line on the bay side, and a setback of 2.38' along the side (East) on the road side of the property at the above referenced location, subject to the following condition:**

- (1) the provision of gutters and downspouts.**

The motion carried unanimously.

**#5302/5360**

**(Case #ZON2006-01250)**

**Albert & Anne Haas (M. Don Williams, Agent)**

**62 Marston Lane**

(East side of Marston Lane, 155' ± North of Oakland Avenue)

**Rear Yard Setback Variance to allow construction of a two-story, 1,600 square foot, double garage/playroom to an existing dwelling 2' from the rear property line; a minimum rear yard setback of 8' is required in an R-1, Single-Family Residential District.**

**July 10, 2006**

Don Williams, Williams Engineering, was present representing the applicant. Mr. Williams stated that last year the applicant submitted a request for a 2' rear yard setback variance for this property, but the Board approved a 3' rear yard setback with the provision of gutters and downspouts. The contractor was delayed due to hurricane repair and the variance expired. They were ready to proceed and the applicant has again requested a 2' Rear Yard Setback Variance. Mr. Williams said they would be happy with the 3' approval that was previously approved by the Board, but it was just a lot easier to submit exactly the same application.

Mr. Cummings asked if there was anyone else present who wished to speak either for or against this application. There was no response.

Mr. Cummings asked if anyone on the Board had any questions or comments.

Ms. Collier expressed concern that emergency vehicles would not be able to get to the pool in the event of an emergency.

Mr. Williams said there was a driveway to the left side that comes around the house back into the garage area. He said the existing pool does take up that southerly side yard, but he was almost positive there was a circular driveway that would allow access from the street before you get to the pool.

Mr. Davitt asked if the driveway actually overlapped onto the adjoining lot.

Mr. Williams said it did overlap, and it was shown on the survey. It had probably been that way for a good number of years, and they had no intention of changing that.

Mr. Palombo said it was not a zoning issue.

After discussion a motion was made by Mr. Davitt and seconded by Mr. Coleman to deny this request for a Rear Yard Setback Variance to allow construction of a two-story, 1,600 square foot, double garage/playroom to an existing dwelling 2' from the rear property line at the above referenced location. **The Board, however, approved a Rear Yard Setback Variance of 3' from the rear property line subject to the following condition:**

- (1) the provision of gutters and downspouts.**

The motion carried unanimously.

**#5361**

**(Case #ZON2006-01248)**

**Guy Helmsing (M. Don Williams, Agent)**

**354 Ridgelawn Drive West**

(East side of Ridgelawn Drive West, 105'± North of Mums Court)

**Side Yard Setback and Total Combined Side Yard Setback Variances to allow the construction of a 13' x 19' carport and the addition of approximately 410 square feet to an existing residential structure 7' from the side (South) property line, and a total combined side yard of 17'; a minimum 8' setback is required from a side yard and a total combined**



July 10, 2006

**side yard of 20' is required on a lot 60' wide or wider in an R-1, Single-Family Residential district.**

Don Williams, Williams Engineering, was present representing the applicant, although Mr. Helmsing was also present. Mr. Williams explained that the subject property was in Ravine Woods, a subdivision that was developed in the 1970's, and was pretty well landscaped all the way around. They were requesting a setback of 7 feet on the south side of the property. The driveway for the house next door comes in from the south off of Mums Court, and as a result pretty well faces away from this house. Mr. Williams submitted pictures of the property in question, noting that this property, like many of the other properties around it, had very nice landscaping between property lines and did not rely on fences. Mr. Williams pointed out a lean-to like shed that was built onto the left side of the house. This shed existed when the Helmsings bought this house. That effectively reduced the side yard from 10 feet down to 5 feet. Mr. Williams said that as part of this process, they were willing to remove that shed and restore a full 10-foot side yard on the left side of the property. They were also asking for a 7-foot side yard on the right side. The reason for that was because there was a carport addition in front, which would be 13 feet wide, and there was a room behind that, which would also be about 13 feet wide. Mr. Williams said they would like to keep it at 13 feet so they can make the roof lines work out a little better. There was a potential that they could reduce that just a little bit, but they would still need the full width of the room behind, which would still mandate a 7-foot side yard to the right side of the property. If they were required a 10-foot setback, that would cause the room addition to the rear to be almost unusable. Because of the landscaping they would not actually be looking in the side windows of the neighbor next door.

Mr. Cummings asked Mr. Helmsing if he had anything to add. Mr. Helmsing said he did not.

There was no one present in opposition to this application.

After discussion a motion was made by Mr. Davitt and seconded by Mr. Davis to **approve Side Yard Setback and Total Combined Side Yard Setback Variances to allow the construction of a 13' x 19' carport and the addition of approximately 410 square feet to an existing residential structure 7' from the side (South) property line, and a total combined side yard of 17' at the above referenced location.**

Mr. Cummings asked if there was any further discussion.

Mr. Palombo asked if a condition could be placed on the approval requiring that the storage building on the north side of the structure be removed before any permits can be issued.

Mr. Davitt amended his motion, and Mr. Davis his second, to **approve Side Yard Setback and Total Combined Side Yard Setback Variances to allow the construction of a 13' x 19' carport and the addition of approximately 410 square feet to an existing residential structure 7' from the side (South) property line, and a total combined side yard of 17' at the above referenced location, subject to the following condition:**

- (1) **that the storage building on the north side of the structure be removed before any permits can be issued.**

July 10, 2006

There being no further discussion, Mr. Cummings called for the vote.

The motion carried. (Ms. Collier voted against the motion.)

**#5362**

**(Case #ZON2006-01244)**

**JJT, an Alabama General Partnership**

**1147 East I-65 Service Road South**

(Southeast corner of East I-65 Service Road South and International Drive)

**Sign Variance to allow a second wall sign (6.5 square feet) for one tenant (business) on a multi-tenant site; only one wall sign per business is allowed on a multi-tenant site.**

Frank Dagley, 717 Executive Park Drive, was present representing JJT, an Alabama General Partnership, better known as Bullard Automotive. Mr. Dagley said they were requesting a variance to allow a second sign on a one-tenant building – their Infiniti building – because the ordinance allows only one sign per business. Mr. Dagley referred to the second paragraph of the staff report which indicated that there was sufficient wall space to allow the proposed sign on the front wall in conjunction with the existing wall sign, which would conform to the Ordinance. He said they were adding the word “Mobile” to the Infiniti insignia, which was part of a national imaging package required by Infiniti. Mr. Dagley said they would be perfectly comfortable with putting the sign in the location suggested by the staff, which would in effect be part of the existing sign and it would be one sign.

Mr. Cummings said if that was the case, was a variance even necessary.

Mr. Palombo said that was not where the staff understood they wanted to put “Mobile”. They wanted to segregate the “Infiniti” and “Mobile” on two different wall faces.

Mr. Dagley said they did, but with the thought of not having to have a variance if they could put it right there by “Infiniti”, that is what they would prefer to do.

Mr. Cummings asked Mr. Dagley if they would like to withdraw their application.

Mr. Dagley said yes, assuming the staff was okay with that.

Mr. Palombo said if it was on the same plane as the “Infiniti” sign was right now, and it met the sign requirements, the variance would not be required.

Mr. Cummings said they should address the size requirements.

Mr. Dagley said the site of the wall was 1,050 square feet. They whole sign they were talking about was 6 ½ square feet.

Mr. Whistler pointed out that the applicant would need to get a permit for the existing sign. The staff does not know the square footage of that existing sign because it was put up without a permit. If they complied with the total square footage of the existing sign and the “Mobile” addition, and it complied with the regulations, then he would not need a variance.

**July 10, 2006**

Mr. Cummings asked Mr. Whistler if he was talking about the insignia itself, and not the words.

Mr. Whistler said he was referring to the existing insignia sign on the front of the building facing the Interstate.

Mr. Dagley said they were allowed 30 percent coverage on the front wall.

Mr. Whistler said that was up to 350 square feet.

Mr. Dagley said the building was 50' wide by 21' high. He was not 100 percent sure they could meet the requirements. Their original plan was to put "Mobile" on the trellis, but then they saw the staff report that indicated it could be in the front, which would not require a variance. Then the issue of the square footage came up, and Mr. Dagley said he did not know whether or not they would exceed the square footage. The whole sign they were proposing would be 6 ½ square feet. In this case, they would like to request that the sign be put on the trellis. It would be a second sign and would say "Mobile".

Mr. Cummings said the Board would then proceed with the variance application, which was to allow a second wall sign approximately 6 1/2 square feet on the front of the building.

Mr. Cummings asked if there was anyone present who wished to speak either in favor or in opposition to this request.

Dennis Tucker, with Joe Bullard Automotive, stated that they had always tried to make very attractive buildings in conformity with city plans. In this case, the staff report indicated that the location of the sign was a requirement of the factory. It said that actually it was the sign package that was a factory requirement, and that just like McDonald's or anybody else, they try to establish a national brand image, yet at the same time conforming with the local community to be in a very favorable light with the community. Mr. Tucker said they were asking to add "Mobile", not anything directly related to the product. It was something they could do to represent Infiniti regionally. It would bring Mobile in a favorable light to other people as they come and visit this location. Mr. Tucker said time was important, and they would appreciate the Board's consideration. As Mr. Dagley mentioned, they had the approval from the manufacturer to put this sign on the trellis. Their preference would be everything on that single wall if it were permitted by the Ordinance. Mr. Tucker said, like Mr. Dagley, he was not exactly clear what their position was or how they stack up against the actual zoning requirements.

Mr. Cummings explained that if it turned out that the existing Infiniti insignia combined with the proposed "Mobile" sign were not to exceed 350 square feet, then the applicant could put the sign right where they wanted without a variance. On the other hand, if it turned out that the existing Infiniti insignia, in combination with the "Mobile" addition, would exceed 350 square feet, then the variance would be required.

After discussion a motion was made by Mr. Davis to **either approve the placement of the (6.5 square foot) sign on the trellis or to include the (6.5 square foot) sign with the existing Infiniti sign located on the front of the building at the above referenced location, subject to the following condition:**

**July 10, 2006**

**(1) that the existing Infiniti signage be approved and permitted.**

Mr. Coleman seconded the motion.

Mr. Cummings asked if there was any further discussion.

Mr. Guess asked the staff if he understood correctly that the first sign was not initially installed with a permit or review.

Mr. Whistler said that was correct. In doing his research he attempted to find out if there was any room on the front wall, and discovered that there was no permit for that sign on record.

After further discussion Mr. Palombo said they know the sign would not exceed 350 square feet, but it was probably going to exceed 30 percent of the face front where the sign was located. Mr. Palombo said the Board could allow the 6.5 foot sign be attached to "Infiniti" on the front, or on a separate wall. But either way, the Board should require that a permit be pulled for the existing Infiniti sign.

Mr. Cummings pointed out that the applicant was trying to comply with the manufacturer's requirement to create an identity that associates the Infiniti dealership itself with the City of Mobile. Their preference would be to have "Infiniti" and "Mobile" together. Mr. Cummings said that if it could be done that way, the Board could allow that, but apparently somewhere along the way the sign was affixed to the building without a permit.

Mr. Dagley said that he did the plans for that building and applied for the permits. He said the insignia was on the building permit application, but he did not know if that warrants getting a sign permit or not. He said getting a permit would not be a problem.

Mr. Davitt said he would be okay with "Mobile" next to "Infiniti", but not separate on the trellis. But he noted that they were allowed to put a sign on the north side that faces International Drive.

Mr. Cummings reiterated that if the variance was granted, regardless of the 30 percent, the applicant can put the word "Mobile" in conjunction with the Infiniti insignia that currently exists, provided that the current sign, the Infiniti insignia, as well as the new sign, both become properly permitted.

There being no further discussion, Mr. Cummings called for the vote. The motion carried unanimously.

### **OTHER BUSINESS**

There being no further business, the meeting was adjourned.

**Approved:**

Reid Cummings

**July 10, 2006**

Chairman

ms