

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF MARCH 4, 2013 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, AUDITORIUM

MEMBERS PRESENT

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

MEMBERS ABSENT

Russell Reilly*
J. Tyler Turner*

STAFF PRESENT

Frank Palombo, Planner II
Bert Hoffman, Planner II
Tchernavia Yow, Secretary I

OTHERS PRESENT

John Lawler, City Attorney
George Davis, City Engineering
Butch Ladner, Traffic Engineering
DC Billy Roach, Fire & Rescue

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

ROLL CALL

✓	William Guess, Chairman
✓	Vernon Coleman, Vice-Chairman
✓	Sanford Davis
✓	Adam Metcalfe
✓	Jeremy B. Milling
✗	Russell Reilly
✗	J. Tyler Turner

CALL TO ORDER:

Chairman Guess advised all in attendance as to the policies and procedures of the Board of Zoning Adjustment. He noted the numbers 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:

#5812
(Case #ZON2013-00005)
Angela Myrant
1005 Donald Street

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(West side of Donald Street, 105'± North of Balthrop Street)

Use Variance to allow the operation of a domiciliary care facility in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of a B-1, Buffer Business District for a domiciliary care facility.

Council District 1

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 following people spoke in favor of the application:

- 1) Angela Myrant, 1005 Donald Street, Mobile, AL, spoke on her own behalf, and
- 2) Thomas Myrant, 2104 Pleasant Avenue, Mobile, AL, spoke on behalf of the applicant.

They made the following points in support of the application:

- They provided a handout with a drawing to illustrate using the rear of the subject property for parking, pending approval of City Engineering.

After discussion and no opposition, a motion was made by Mr. Coleman, with second by Mr. Davis, to approve the above referenced request, subject to the following conditions:

- 1) **subject to compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

EXTENSIONS:

#5759

(Case #ZON2012-01364)

Randall Lanier Wood

4812 Pine Court

(North side of Pine Court, 120'± East of Ridgelawn Drive West)

Side Yard Setback Variance to allow the construction of a carport within 5.5 feet of the side property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum side yard setback of 8 feet (with the sum of both side yards totaling 20 feet) in an R-1, Single-Family Residential District.

Council District 7

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.

Randall Lanier Wood, 4812 Pine Court, Mobile, AL, spoke on his own behalf and requested an extension to a previously approved variance.

Hearing no opposition or further discussion, a motion was made by Mr. Coleman, with second by Mr. Davis, to approve the above referenced request, subject to the following conditions:

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- 1) **completion of the drainage / utility easement vacation process; and,**
- 2) **full compliance with all other municipal codes and ordinances, including the obtaining of permits required for the proposed work.**

The motion carried unanimously.

#5767

(Case #ZON2012-01744)

Cellular South Real Estate

6301 Airport Boulevard

(West side of Schaub Avenue at its North terminus)

Use, Height, Setback and Buffer Separation Variances to allow a 100' monopole cellular communications tower in an R-1, Single-Family Residential District, setback 22.5' from a lease parcel line and 22.5' from residentially zoned property; the Zoning Ordinance prohibits telecommunications towers in R-1 districts, the maximum height allowed is 35', a 100' high tower must be setback at least 100' from a lease parcel line, and a 200' buffer separation from residential property is required in an R-1, Single-Family Residential District.

Council District 6

The Chair announced the matter and advised that the case had been withdrawn.

PUBLIC HEARINGS:

#5815

(Case #ZON2013-00290)

William S. Denton & Bonnie Campbell

7020 Old Shell Road

(Northwest corner of Old Shell Road and Oklahoma Drive)

Use Variance to allow a dance school in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of a B-2, Neighborhood Business District to allow a dance school.

Council District 7

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 following people spoke in favor of the matter:

- 1) William S. Denton, 1706 Withers Avenue, Mobile, AL, who spoke on his own behalf, and
- 2) Ralph Etheridge, 2327 Muscadine Street, Mobile, AL, who spoke on his own behalf.

They made the following points in support of the application:

- Mr. Denton is seeking a use variance to allow for ballroom dance instruction on the site;
- He wants to own the property and not have to rent the Starlight Ballroom;

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- Mr. Etheridge inherited the property;
- The site is near USA and is a wooded tract;
- Mr. Etheridge doubts it would be used for a single-family residence.

After discussion and hearing no opposition, a motion was made by Mr. Metcalfe, with second by Mr. Davis, to deny the above referenced request.

The motion carried with Mr. Coleman voting in opposition.

#5816

(Case #ZON2013-00311)

James & Sylvia Hunter

560 Charles Street

(Northwest corner of Charles Street and New Jersey Street)

Use, Parking, Setback, and Tree Planting Variances to allow a barber shop with no parking, reduced front, side, and rear setbacks, with no frontage trees in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of a B-2, Neighborhood Business District to allow a barber shop, all required parking to be on the same site, and full compliance with all setbacks and tree planting requirements.

Council District 2

The Chair announced the matter, advising it had been recommended for holdover to the April meeting to allow the applicant to submit an amended application for variance and revised site plan. He advised that the applicant should address the Board regarding the subject at that time.

The following people spoke in support of the application:

- 1) Mr. Tim Spafford, Architecture and Design, Inc., 1263 Lake Circle West, Mobile, AL, spoke on behalf of the applicant; and,
- 2) Mr. James Hunter, 1535 Brockton Lane South, Mobile, AL, spoke on his own behalf.

They made the following points in favor of the matter:

- Mr. Spafford agreed with the recommendation for holdover;
- Mr. Hunter stated that the building was damaged during Hurricane Katrina;
- York's Barbershop was previously in the building with two barbers.

Hearing no opposition or further discussion, a motion was made by Mr. Coleman, with second by Mr. Metcalfe, to approve the above referenced request, subject to the following conditions:

- 1) **subject to compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

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#5817/5662/5531
(Case #ZON2013-00314)
Napoleon McCovery
208 North Lafayette Street

(Southeast corner of North Lafayette Street and St. Stephens Road)

Use and Off-Site Parking Variances to allow a 512 square-foot addition and parking in an R-1, Single-Family Residential District, and off-site parking in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow commercial parking in an R-1, Single-Family Residential District, and requires all commercial parking to be on-site in a B-2, Neighborhood Business District.

Council District 2

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.

Napoleon McCovery, 208 North Lafayette Street, Mobile, AL, spoke on his own behalf and made the following points in support of the application:

- He is trying to update the restrooms and storage on the site.

Stephanie Jackson, 204 North Lafayette Street, Mobile, AL, spoke on her own behalf and voiced opposition to the variance request.

After discussion, a motion was made by Mr. Milling, with second by Mr. Metcalfe, to deny the above referenced request.

The motion carried unanimously.

#5818
(Case #ZON2013-00317)
Estate of Marie Fritz
5456 U.S. Highway 90 West

(Northwest corner of U.S. Highway 90 West and Tillman's Corner Parkway)

Sign Variance to allow off-premise signage in a B-3, Community Business District; the Zoning Ordinance does not allow off-premise signage in a B-3, Community Business District.

Council District 4

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.

Robert Eddington, 551 Church Street, Mobile, AL, appeared on behalf of the estate of Marie Fritz.

After discussion, a motion was made by Mr. Metcalfe, with second by Mr. Davis, to approve the above referenced request, subject to the following conditions:

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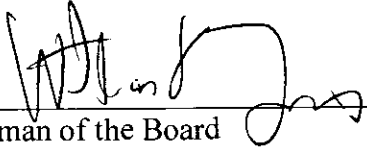
- 1) the Board approved that four signs (the painted Gulf Pecan Co., the Advanced Plumbing banner, the National Collision & RV repair banner and the we crack & sell pecans banner) were approved and may be replaced with signs of the same size, no larger; and
- 2) subject to compliance with all other municipal codes and ordinances.

The motion carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned.

APPROVED: March 10, 2014



Chairman of the Board

/lw