

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF OCTOBER 1, 2012 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

ROLL CALL:

MEMBERS PRESENT

William Guess, Chairman
Vernon Coleman
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
Gerard McCants, Urban Forestry
Capt. Sam Allen, Fire & Rescue

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.

EXTENTIONS:

#5695

(Case #ZON2011-01672)

Alabama Realty Company, Inc.

2600 McVay Drive North

(North side of McVay Drive North, 290'± West of Navco Road)

Height, Residential Buffer, Setback, Surfacing, Parking, Landscaping and Tree Planting Variances to allow the construction of a 130' tall communications tower within 50' of a residentially zoned property with no landscape buffer or buffer fence, and within 69.8' of the North lease parcel line, 50' of the West lease parcel line, and 103.5' of the South lease parcel line, with a gravel access drive, no designated parking, and no landscaping or tree plantings in a B-1, Buffer Business District (rezoning pending); the Zoning Ordinance restricts height to 45' and requires a residential buffer of 200' with either a 10' wide, 6' high vegetative buffer or a 6' high wooden privacy fence, setbacks of 130' from each lease parcel line, all driveways to be surfaced with asphalt, concrete, or an approved alternative

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surface, at least one designated parking space, and tree plantings and landscaped area in a B-1, Buffer Business District.

The Chair announced the matter, advising it had been recommended for withdrawal.

The application was not acted on. The approval or denial of the variance would be moot since the project has been started, and the extension is no longer necessary.

PUBLIC HEARINGS:

#5785/5704

(Case #ZON2012-02111)

Volvo Construction Equipment Rents

4477 Laughlin Drive South

(South side of Laughlin Drive South, 380'+ East of its West terminus)

Sign Variance to amend a previously approved variance to allow a company flag to be flown at a business in an I-1, Light Industry District; the Zoning Ordinance does not allow flags to be displayed in connection with commercial promotion in an I-1, Light Industry District.

The Chair announced the matter, advising it had been recommended for denial. He advised the applicant should address the Board regarding the subject at that time.

Mike Sanford, Volvo Construction Equipment Rents, 4477 Laughlin Dr., Mobile, AL, spoke on behalf of himself, and made the following points in support of the application:

- It is part of the company philosophy to fly the Volvo flags at each facility.
- The flag is representative of the company.
- It contains the Volvo logo/branding.
- Wants to adhere to the company policy.
- Only want to fly one flag, to include the Volvo flag, the Alabama state flag, and the United States flag.
- The flags will be placed in a 8 by 8 foot triangular pattern.

Mr. Guess asked if the poles were already in place and had the applicant already started flying the flag.

Mr. Sanford stated that the poles were in place, and they started flying the flag without knowledge that they needed a variance. They received an NOV and have coordinated with Urban Development to receive postpone any further actions until the Board rendered a decision on the matter.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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.

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#5786/5591

(Case #ZON2012-02208)

Fravert Services, Inc.

3725 Airport Boulevard

(South side of Airport Boulevard, 260'+ West of Montlimar Drive)

Sign Variance to amend a previously approved Sign Variance to allow a wall sign for a non-licensed educational component of a licensed business college at a multi-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance does not allow a wall sign for a non-licensed business component of a licensed business at a multi-tenant commercial site in a B-3, Community Business District.

The Chair announced the matter, advising it had been recommended for denial. He advised the applicant should address the Board regarding the subject at that time.

David Brant, Fravert Services, 133 West Park Dr., Birmingham, AL, spoke on behalf of the applicant, and made the following points in support of the application:

- Asking for an additional wall sign at the Festival Center location.
- Virginia College has been at this location for about two years now.
- Wants to replace a sign that a variance was previously granted for as part of a sign package in 2010
- The Café branch of Virginia College has faded out, but there is still a Culinary component to the school called the Culinard.
- The only difference between the Café and the Culinard is the existence of a business license.
- The Café was able to sell good produced by the students to the public, but the Culinard does not sell goods out of that location.
- The Culinard holds just as much weight as any other program that the school offer.
- Due to the absence of the business license, the sign is no longer allowed.
- Virginia College is not a retail space in a shopping mall, it occupies just shy of 70,000 square feet.
- This sign denotes an entrance, as does any other sign in the shopping mall.
- The Culinard is partitioned off from the rest of the school, so the sign will help to ensure people use the correct entrance.

Mr. Reilly asked what the difference in size of the signs would be.

Mr. Brant stated that both sign were 48 inches in height. The Café sign was 15 feet, 9 inches and the Culinard sign is 16 feet, 6 inches. There is some ghosting left from the previous sign, so the hope is that the additional foot will cover that.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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.

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#5787/1643

(Case #ZON2012-02213)

Michael Phillips

200 South Georgia Avenue

(Southwest corner of South Georgia Avenue and Selma Street)

Use Variance to amend a previously approved variance to allow a guest house (second dwelling) at a single-family residence in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow a guest house (second dwelling) at a single-family residence in an R-1, Single-Family Residential District.

The Chair announced the matter, advising it had been recommended for denial. He advised the applicant should address the Board regarding the subject at that time.

Michael Phillips, 200 S Georgia Ave., Mobile, AL, spoke on his own behalf, and made the following points in support of the applicant:

- Neighbors had an old carriage house behind their home that sits on the applicants property line.
- Subdivided and purchased the property with the run down house with the intent to restore it as a guest house for family.
- Applicant has no family in the Mobile area.
- Wants to be able to have family come visit and stay in the house during the holidays.
- Mother-in-law comes into town regularly to help with the baby.

Mr. Guess asked had any restoration of the house been initiated.

Mr. Phillips stated that he obtained permits and put on a new roof, re-supported it, and redid the exterior, as well as the fence.

Mr. Guess asked was there a separate driveway into the property.

Mr. Phillips replied that the only entrance was from his property. He has no desire to use it as a rental property, it would be strictly for visiting family.

Mr. Palombo requested that if approved, the applicant submit a notarized "Voluntary Conditions and Use Restrictions" recorded in Probate Court that states the guest house is not to be rented out for any reason.

The applicant stated that he was fine with doing that.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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:

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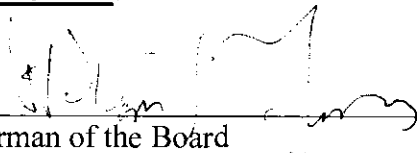
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1. **submittal of a notarized “Voluntary Conditions and Use Restrictions” form that has been recorded in Probate Court and states the guest house is not to be rented out for any reason and; and,**
2. **full compliance with all municipal codes and ordinances.**

OTHER BUSINESS:

There being no further business, the meeting was adjourned at 2:21PM.

APPROVED:



Chairman of the Board

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