

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**MEETING OF JANUARY 6, 2014 - 2:00 P.M.**  
**MOBILE GOVERNMENT PLAZA, AUDITORIUM**

**MEMBERS**

William Guess, Chairman  
Vernon Coleman, Vice Chairman  
Sanford Davis  
Adam Metcalfe  
Jeremy Milling  
Russell Reilly  
Lewis Golden

**STAFF**

Bert Hoffman, Planner II  
Carla Davis, Planner II  
Lisa Watkins, Secretary I

**OTHERS**

Doug Anderson, Attorney  
George Davis, City Engineering  
MaryBeth Bergin, Traffic Engineering  
Gerard McCants, Urban Forestry  
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
✓	Lewis Golden

**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 and that the Board was on a supermajority voting system, so it would require approval of five members to pass a variance. He called the meeting to order at 1:59 p.m.

**HOLDOVERS:**

**#5866**

**(Case #ZON2013-02380)**

**New Cingular Wireless PCS, LLC**

**6311 Cottage Hill Road**

(220'± South of Cottage Hill Road, 780'± East of Hillcrest Road).

**Height, Setback, Residential Buffer, and Tree Planting Variances to allow a 150' monopole telecommunications tower setback 37.5' from a lease parcel line and 42.75' from residential property, with no tree planting provided, in a B-2, Neighborhood Business District; the Zoning Ordinance limits structures to a 45' height, with telecommunications towers to be setback the height of the tower (150') from a lease parcel line, and with a residential buffer separation of 200' or 150% of the height of the tower, whichever is greater (225'), and with one tree per every 30' of lease parcel perimeter, in a B-2, Neighborhood Business District.**  
Council District 6

The Chair announced the matter, advising that the requests for Height, Setback and Residential Buffer Separation Variances were recommended for approval and the request for the Tree Planting Variance is recommended for denial. He advised the applicant should address the Board regarding the subject at that time.

Mr. Andy Rotenstreich of Baker, Donelson, Bearman, Caldwell, & Berkowitz, PC, Wells Fargo Tower, 420 20<sup>th</sup> Street, Suite 1400, Birmingham, AL 35203, spoke on behalf of the applicant and made the following points in support of the matter:

- There are two unnecessary hardships that the property poses for the location of the cell tower: 1) the radio signal that the tower will be emitting requires that they place the antennas in a certain area for the network to operate and the signal limits where the tower can be placed; 2) the small size of the parcel poses a hardship, so they propose to set the tower on the north side of the property in order to keep the site as wooded and obscured from site as possible;
- This is one of the few parcels that would work within the zoning district and would allow them to build only one tower in the district;
- He provided a package illustrating the current coverage for the area vs. the improved coverage in the area once the tower was operational;
- He discussed other new sites within their search ring that they considered as well as existing towers that they considered co-locating their equipment on and why each site would not meet their requirements;
- There is a row of B-2 zoned properties running east to west on along Cottage Hill Road. All the properties to the south are all zoned R-1, and cell towers are not allowed in R-1 districts so they were limited on which sites they could consider in the area;
- He provided a site plan and aerial photo that showed them locating behind the Noel Cemetery and leaving as much of the wooded area intact as possible;
- He also provided a photo simulation of what the 150' monopole tower would look like from the closest residence;
- They met with Muir Woods residents who expressed concerns about health effects, aesthetics, and property values;

**January 6, 2014**

**Board of Zoning Adjustment**

- He stated that health concerns and aesthetics are taken out of their hands by federal law, but in order to show that they wanted to work with the neighbors, they went back to AT&T and asked that the tower height be reduced to 135' and camouflage the tower to look like a tree. He provided a photo simulation of what the camouflaged tower would look like;
- They looked at other parcels that were suggested to them, and none would work except for one site south of Muir Woods that is zoned R-1. It is owned by the Noel family who owns the cemetery;
- They feel they have demonstrated the hardship required for variance approval, and they have gotten approval recommendations from staff on the majority of issues. Therefore, they respectfully request approval from the Board.

Mr. Guess asked if they could have a second tower, instead of co-locating, over by the Publix, would they be able to put it at the height they want and if the signal would interfere?

Mr. Rotenstreich replied that they didn't have an agreement with that landowner, and he didn't know if they had talked to that landowner. They tried to stay in a B-2 zone.

Mr. Guess asked if they had considered the old Checkers site in the Neighborhood Market shopping center.

He said they felt like they had done their homework and zoning is only one aspect of the process. There are a lot of variables involved. They considered building a tower at the Senior Center. They will be co-locating equipment on an existing tower on Girby Road.

The Chair asked if there were any 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.

The following people spoke in opposition to the matter:

- 1) Jane Conkin, 2519 Muir Woods Drive East, Mobile, AL, spoke on behalf of the Muir Woods Property Owners Association;
- 2) Natalie Noel, 2620 Rose Court, Mobile, AL, spoke on behalf of the Noel Family and the Noel Family Cemetery;
- 3) Don Williams, Don Williams Development, 6300 Piccadilly Square Drive, Mobile, AL, spoke on behalf of the residents of Muir Woods;
- 4) B. J. Lyon, McFadden, Lyon and Rouse, 718 Downtowner Boulevard, Mobile, AL, spoke on behalf of the Muir Woods property owners;
- 5) Bess Rich, Mobile City Council Representative for District 6, 625 Cumberland Road East, Mobile, AL, spoke on behalf of the constituents.

They made the following points in opposition to the matter:

- They did not agree that the applicant had considered every other alternative site as the neither the Senior Center, Port City Church on Hillcrest, nor St. Paul's Lutheran Church had been contacted for consideration as possible sites;
- Muir Woods residents are very opposed to the tower, and all homeowners signed a petition against it except for two that they could not reach in the time-frame they had;
- The height variance is unacceptable. They did have a meeting with Mr. Rotenstreich and Gigi Armbrrecht of AT&T. At that time, Ms. Armbrrecht stated that if it were made to look

**January 6, 2014**

**Board of Zoning Adjustment**

like a tree, they couldn't guarantee that some of the branches wouldn't fall. The homeowners were concerned about who would be liable if there were any damage to any homes caused by the tower.

- They are concerned about noise and light emissions from the tower as well as negative impacts on health cited in a study on cattle;
- The homeowners feel like there are other sites whose property owners would want to have a tower, and they are also concerned that it will have a negative impact on their property values;
- There are residents who recently purchased property in the area who said that they would not have purchased those homes had they known about the plans for this tower;
- The proposed AT&T monstrosity will look as though it is right on the Noel Family Cemetery even though it is a few feet away, and it is a sacrilege;
- In the packet distributed by Mr. Williams, he included AT&T's submitted coverage map with an overlay showing the city streets, and the residents contend that AT&T's intent is to improve coverage in the poor coverage areas;
- Mr. Williams provided maps submitted at the Planning Commission meeting by AT&T that shows that AT&T can upgrade their coverage in the poor areas by locating a new tower at the Senior Center and co-locating equipment on existing sites to get the same result as building a new tower at the proposed location without building the Knollwood Tower;
- Muir Woods Subdivision is also located in a "poor" coverage area, but the alternative that Mr. Williams suggested would upgrade the residents' coverage to "adequate," and they would prefer adequate coverage to having the cell tower in their back yards;
- The City of Mobile would benefit from revenue generated if AT&T located the tower at the Senior Center;
- The Board of Zoning Adjustment is the gatekeeper on all cell tower applications because all B-2 sites have a maximum height limitation of 45', and the cell towers are always higher than 45';
- The object should be to have more co-location and less cell towers as there seems be towers about every 100-200 yards;
- Before the Board approves this application, the members should be convinced that there is no co-location alternative, and the residents don't feel that they have done that;
- AT&T reduced the height of their tower so that they would cure the setback variance issue and told the Board it was to make a concession to the homeowners;
- A B-2 district does not allow a cell tower by right; it must be approved by the Planning Commission. They have requested so many variances that it shows that this site isn't right for this use.

Mr. Rotenstreich responded that they did their homework prior to submitting the application by looking at alternative sites and co-location opportunities, but other variables are whether or not there are property owners that are willing to lease property at reasonable rates, and whether there would be opposition from other surrounding neighbors since alternative sites are zoned R-1 and are surrounded by R-1 properties. Their objective is to co-locate as much as possible. He submitted a valuation report performed by an MAI appraiser to demonstrate that towers in the Mobile area have not negatively impacted the values of the surrounding properties.

Mr. Milling asked if they had looked at the specific sites mentioned today.

**January 6, 2014**  
**Board of Zoning Adjustment**

Mr. Rotenstreich said that they had looked at all sites within the search ring, with the exception of possibly the church, but he thought it was outside their search ring. They did look at the Publix site because it was suggested by the neighbors, but it is outside their search ring and therefore didn't meet the coverage objectives.

Mr. Guess asked if there was anything submitted to the Planning Commission that hasn't been submitted to the Board of Zoning Adjustment.

Mr. Rotenstreich replied that there was one map that the Planning Commission specifically requested that showed the Southern Way site turned on (one of the red maps) and the Knollwood site turned off.

Mr. Metcalfe asked for all the people in the audience who were there in opposition to raise their hands so that the Board members could get an indication of the opposition.

Mr. Guess asked the opponents if they felt like their concerns had been adequately expressed, or if there was anyone else who had something they wanted to add

Roy Mosley, 6320 Muir Woods Drive North, Mobile, AL, spoke on his own behalf and stated that he purchased his property in September and moved in October. He called his local appraiser after he found out about the tower and was told that it was too early to tell how much the tower would affect his value but that it would affect the value. He further stated that he liked to purchase property that is zoned so that there are protections against things like people moving mobile homes in next door. He felt like granting variances such as this would open the door to more and more towers being put in.

Mr. Guess asked who his cell carrier was and how was his service.

Mr. Mosley replied that he has AT&T service and that it is on and off.

The Chair stated that in his experience on the Board that there have been several cell tower applications come through and so he knew that they would be seeing them come before the Board. However, the ones he has been involved with have been on church properties, City properties, one was on a MAWSS property, and one was on Alabama Power's property so the areas were more commercial without adjacent residential areas. When there were some approved near residential areas, they made sure they were disguised. He did approve some that were on flagpoles and he did require that they have flags on them. He hadn't thought about the generator issue until now. The Board does want to take everything into consideration about not impacting property values, but they also do want people to have cell phone service.

Mr. Davis wanted to point out having 51 out of 52 residents oppose this tower was pretty strong.

Mr. Metcalfe stated that he disagreed with the neighborhoods concerns; he didn't think that they were accurate. He wanted to applaud AT&T for their efforts. However, whether or not he believed their concerns (property values and such) were accurate or not, he believed that the cell tower was a pretty innocuous use of the property, but he didn't live behind it. With 51 out of 52 neighbors being opposed to it that whether or not the people would be actually injured by the tower, they feel like they are. With that being the case, he made a motion to deny the variance.



The motion to deny the above referenced request was seconded by Mr. Davis.

The motion passed unanimously.

**#5869**

**(Case #ZON2013-02592)**

**Redeemed Community Church**

**6254 Howells Ferry Road**

(North side of Howells Ferry Road, 500'± West of Grider Road).

**Surfacing and Tree Planting Variances to allow aggregate parking, maneuvering and driveway paving surfaces, and to allow no tree planting for a church in an R-1, Single-Family Residential District; the Zoning Ordinance requires asphalt, concrete, or an approved alternative paving surface for parking, maneuvering and driveway surfaces, and requires 71 perimeter trees, 5 frontage trees, and 2 parking trees for a church in an R-1, Single-Family Residential District.**

Council District 7

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.

The following people spoke in support of the matter:

- 1) Jerry Byrd, Byrd Surveying, 2609 Halls Mill Road, Mobile, AL, and
- 2) Rev. Willie Patterson, 2940 Richmond Drive, Mobile, AL.

They made the following points in support of the application:

- They requested a waiver to allow aggregate surfacing, but since that time, Chief Roach has said that a precedent has been set and that he would not approve an aggregate surface for the fire apparatus road (the driveway in the case);
- They will pave an adequate driveway with adequate turnaround as well as the required number of handicapped spaces in the parking lot;
- They would still like to use the aggregate surface for the balance of the parking lot and the 24' access drive going to it because there is a possibility that the church may expand in that area as they grow;
- The site is over six acres and a small area of the site is utilized;
- The site is heavily wooded with underbrush, overstory and understory trees, and they didn't see the need to try to plant a number of trees. He thinks that they would need to plant frontage trees and some understory trees on the side where there are none. They didn't feel the need to spend a great deal of money to have a survey crew spend a day in the field locating all the existing trees;
- The drive is about 900 feet, and they are talking about paving the entire driveway, but using aggregate for the 39 parking spaces on the side;
- It would cost about \$45,000 to pave the entire parking lot;
- If they can have these requirements waived, it will give them the opportunity to get into their facility with less expense, and the aggregate surfacing wouldn't impact the fire department, but instead only the church members would be affected by it.

**January 6, 2014**  
**Board of Zoning Adjustment**

Mr. Guess asked Chief Roach if an underlayment could be utilized here.

Chief Roach stated that the only thing they consider for "other approved surfacing" is the type of pavers that they have at Ladd Stadium where the grass can grow up between them and he would think that would be a lot more expensive than paving. He wants them to understand that he was only asked to comment on the surfacing, but they are probably also looking at two fire hydrants on the drive and a firewall between the buildings.

Rev. Patterson interjected that they City approved a 3' setback on that building.

Mr. Guess stated that there were other things to consider, and he would defer to Chief Roach on the other items.

Chief Roach stated that he wanted to be sure that the applicant knew all that was involved so that they didn't pave the road, then have the applicant find out later that there were more fire department requirements.

Rev. Patterson stated that he understood and appreciated that knowing all the requirements up front would help them with long-term costs.

Mr. Coleman asked if there was an alternate surfacing that he saw in Vietnam where the crushed material locked together and formed a solid surface that tanks were driven across.

Chief Roach stated that it would be the burden of the engineer or design professional to show the fire department that the alternate paving method would bear the weight of a 75,000 pound fire truck. He felt that their burden of proof would be a lot easier with asphalt, but it was up to them. He won't tell them how to do it, but rather what the fire department can accept. However, the fire code won't allow them to accept just rock.

Mr. Milling asked for clarification for their tree-plan proposal.

Mr. Byrd stated that they would place the five frontage trees as required, and they would plant one understory tree every 30' along the drive on the east side over to the property line. They would let the current natural vegetative buffer remain on the balance of the site.

Mr. Coleman asked about the residential neighbor on the east side of the site and whether there were trees there or if trees needed to be planted to shield the neighboring residential property.

Mr. Hoffman replied that the staff had indicated that there was insufficient information provided to make that determination because no information was provided regarding trees on the site except for in large areas. The staff cannot determine whether trees would be required or not. Mr. Byrd has stated that the first 150' of the driveway has no vegetative buffer on the east side between the driveway and the existing house. A vegetative buffer may be required in that area, or perhaps a 6' high wooden fence may be less expensive. The applicant hasn't provided a basis for the tree variance request so the board could deny that request or choose to hold it over so the applicant can go out and measure them all.

**January 6, 2014**  
**Board of Zoning Adjustment**

Mr. Guess asked Mr. McCants if he had been on the site and if there appeared to be sufficient trees.

Mr. McCants replied that he couldn't say that without a plan.

Mr. Davis asked Reverend Patterson if he thought it was in his best interest to move forward with this now or wait and try to clear up the concerns of the staff.

Reverend Patterson said that the site is virtually hidden because there are so many trees. The church sits back 900 feet off the road. He understands the staff's concerns, and if he is required to spend additional money on the tree plan, he will. They want to find out what they can or cannot do so they can run their cost estimates. The church has leased temporary facilities in the area so that they can work in the community; they are no longer located on Dawes Road.

Mr. Davis advised Reverend Patterson that he depends heavily on staff to help him make his decisions, and if he can't get clarity from staff, the applicant or the engineer, he may need to look at this a little deeper to be able to act in the church's best interest.

Mr. Guess stated that the Board has made decisions pending coordination with Urban Forestry.

The Chair asked if there was anyone present in support of or in opposition to the matter. Hearing none, he stated that his understanding was that the applicant agreed to pave the entranceway to meet the fire departments requirements and leave the parking as aggregate. They also agreed to provide paved handicapped parking and coordinate with Urban Forestry regarding tree and understory requirements. He opened the floor for a motion.

A motion was made by Jeremy Milling, with second by Mr. Sanford Davis, to approve the above referenced request as follows:

- 1) The Surfacing Variance is to be granted only for that portion of the parking area not required for accessible parking or fire apparatus circulation: the remainder of the parking area and driveway, for accessible parking and fire apparatus circulation, must be paved as required by the Zoning Ordinance; and**
- 2) The Tree Variance is to be granted, with the requirement that 5 frontage trees be provided along Howells Ferry Road, and 5 understory trees be provided along the first 150 feet of the East property line, between the driveway and the property line.**

The motion passed unanimously.

**#5870**

**(Case #ZON2013-02719)**

**John Kirby**

**7049 Dickens Ferry Road**

(South side of Dickens Ferry Road, 550 ± East of Cody Road).

**Parking Surface Variance to allow a gravel lay down yard for the storing of cars for an automobile paint and body shop in a B-3, Community Business District (rezoning pending); the Zoning Ordinance requires parking areas to be paved with asphalt, concrete, or an approved alternative paving surface in an B-3, Community Business District.**

Council District 7



**January 6, 2014**  
**Board of Zoning Adjustment**

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.

Brett Orrell, Polysurveying, 5588 Jackson Road, Mobile, AL, spoke on behalf of the applicant.

He stated that this application is part of another package where they have been through two meetings with the Planning Commission and are working to get more information to the staff. The next appearance before the Planning Commission is in two weeks, and he requested the Board of Zoning Adjustment's application be held over until February so that he can address the concerns of the Planning Commission in the meantime.

The Chair asked if there was anyone present in support of or in opposition to the matter. Hearing none, he opened the floor for a motion to holdover.

A motion was made by Vernon Coleman, with second by Sanford Davis, to holdover until the February 3, 2014 meeting at the applicant's request.

The motion passed unanimously.

**#5871**  
**(Case #ZON2013-02577)**

**Glass Masters**

**7064 Airport Boulevard**

(North side of Airport Boulevard, 330'± East of Cody Road).

**Sign Variance to allow a sign on an existing vacant second sign structure at a single-tenant commercial site with an existing off-premise multi-tenant freestanding sign structure in a B-3, Community Business District; the Zoning Ordinance allows 1 freestanding sign structure per single tenant site in a B-3, Community Business District.**

Council District 7

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.

Joel McDaniel, District Manager of Glass Masters, 10538 Shadow Lake Drive, Geismar, LA, spoke on his on behalf and made the following points in support of the matter:

- The Mobile Glass Masters location was struggling due to the economy, so he searched for several months for a better location;
- He wanted a location on Airport Boulevard since that is a high-traffic location;
- Good signage is vital to their business;
- Their rent went up considerably to be located on Airport Boulevard;
- There was a sign pole in front of the building, so he thought it went to that building;
- He should have researched better, but because there are multiple businesses there that all have signs, he thought he would be able to put a sign on the existing pole;
- He is requesting that they be allowed to put a sign on the existing pole.

**January 6, 2014**

**Board of Zoning Adjustment**

The Chair asked for clarification that the sign in existence is for Spectrum and that Glass Masters is not affiliated with Spectrum. He also asked for verification that there are five buildings on the site.

Mr. Hoffman demonstrated on the map which business is located in each building on the site.

Mr. McDaniel confirmed that the building to his left is a car sales/garage sale type business, and they have a sign, Spectrum Automotive has a sign in front of their building that advertises their automotive business and the body shop in the rear, and there is an empty pole in front of the building he has leased for Glass Masters. He was told that the pole used to have a sign on it for a previous business. He stated that his rent doubled when they moved to Airport Boulevard location, and he is locked into a five year lease. He has six employees that count on management to make good decisions. He confirmed that he does currently have a sign on the building; they are only allowed the one sign on the front due to the square footage. They do not have one on the side on the building which is why they want the sign on the pole to be able to catch traffic coming from both directions.

Mr. Hoffman stated that on page two of the report in the top paragraph, it states that an application had been submitted for the multi-tenant sign for Spectrum which has an upper and lower tenant panel. The permit was never issued, but as part of that application, it stated that the sign on the pole in question would be removed. This is why there hasn't been a sign on that pole since about 2005. Behind it, there is another Spectrum sign that is in front of the other Spectrum building. He demonstrated on the map which building was served by the multi-tenant signs and showed that one of the tenant panels had the name of another glass company that previous occupied one of the buildings. There is also a freestanding sign on the property. Mr. Hoffman stated that there is currently an application before the Planning Commission where the owner is proposing to create one lot out of all of these properties which are also part of an existing planned unit development. So, if this is approved by the Planning Commission, it will be a single lot with five buildings on it. Typically, this would allow for one multi-tenant freestanding sign, and each building could have a wall sign.

Mr. McDaniel stated that the previous glass shop sign was there to service Spectrum's body shop and it was only about 18 inches by about six feet. He feels that he needs a larger sign to be seen on Airport Boulevard.

Mr. Metcalfe asked Mr. Hoffman if the Board approved the variance for the sign, and then the PUD was approved by the Planning Commission, would the PUD requirements state that the sign be removed?

Mr. Hoffman replied that it depended on whether that was in the request of the PUD. It is already part of a previously approved PUD, and staff research didn't show any permits for any of the freestanding signs on the property. The wall signs were permitted. If this were a brand new PUD, there would be allowed only one freestanding sign, and the space would be allocated according to the property owner's and tenant's desires. It would also be limited in size based on the frontage of the property.

The Chair asked if the site in question was one individual lot which would normally allow one freestanding sign and one wall sign.

**January 6, 2014**

**Board of Zoning Adjustment**

Mr. Hoffman clarified that if it were one lot, it could have two wall signs and one freestanding sign if it were an isolated lot, but this lot has shared access, shared parking, and an existing freestanding sign. A PUD can lock individual lots together based on shared access and parking.

Mr. Milling asked what the purpose is of the present PUD request that is before the Planning Commission now.

Mr. Hoffman stated that the previous PUD application was for the shared access and parking. When the staff was researching the permit application for this sign, they noticed that on the aerial photos that a number of trees had been cut down without permits and red clay brought in. This is what prompted the gravel variance request on the previous application on today's agenda. The new PUD request is to have multiple buildings on a single lot as they also intend to resubdivide everything.

Mr. McDaniel stated that when he leased this property for five years, he had no knowledge of these other cases and thought that he would be allowed to use the pole in front of the property. He reiterated that it is very important to his business to have a sign on the road.

The Chair asked if there was anyone present in favor of or in opposition to the application.

Bess Rich, Council Representative for District 6, asked to see the picture of the sign being proposed and verification that the sign requested was eight feet by twelve feet.

Mr. Hoffman stated that it is labeled eight by twelve, and it may be that the sign application would have to include verification that the sign would meet the 135 mph wind load requirements with three second bursts. He thought that the proposed square footage was okay for a single tenant site.

Mrs. Rich stated that if they were trying to help the applicant get some recognition, she thought that maybe if they allowed another type of sign, like a monument sign, he could get recognition on Airport where the traffic does typically back up at that light without being so tall and imposing. She did understand that the business owners are paying high rents on Airport and do need recognition. She asked if the Board could look at all the existing signs and how unattractive they are and consider what they are adding to the confusion.

Mr. Metcalfe asked how high the proposed sign would be.

Mr. Hoffman stated that he didn't see that information in the report, but that the information is probably included in the file that the Board has. He did think that the purpose was just to use the existing pole.

Mr. McDaniel stated that they are paying higher rent at the new location. He thought that the proposed sign was eight by ten, not eight by twelve.

Mr. Guess stated that the Board couldn't take economics into account. He thought that the proposed sign looked more like a billboard, and he would be inclined to approve something similar to the size of the Spectrum sign. He asked the applicant if the Board considered approval if he would consider a smaller, lower sign.

**January 6, 2014**

**Board of Zoning Adjustment**

Mr. McDaniel stated that he would be willing to downsize if allowed to put the sign up.

A motion was made by Vernon Coleman, with second by Adam Metcalfe, to hold the application over until the February 3, 2014 meeting, to allow the applicant to submit additional information regarding the height and size of the proposed sign, as well as height and size information regarding the existing freestanding sign on the site.

The motion passed unanimously.

**PUBLIC HEARINGS:**

**#5872**

**(Case #ZON2013-02805)**

**KV PROPERTIES, LLC**

**2715 Dauphin Street**

(South side of Dauphin Street, 67'± East of Dauphinwood Drive)

**Surfacing Variances to allow gravel parking and maneuvering surfaces in a B-3, Community Business District; the Zoning Ordinance requires asphalt, concrete, or an approved alternative paving surface for parking and maneuvering surfaces in a B-3, Community Business District.**

Council District 1

The Chair announced the matter, advising it had been recommended for denial. He noted that the applicant was not present.

Mr. Hoffman stated that the request was to use the existing warehouse facility on Dauphin Street near the railroad tracks as a personal storage facility. They intend to build some new buildings in addition to clearing the existing trees in the back and using that portion for boat and RV storage. They went before the Planning Commission and were approved for a Planned Unit Development, and now they are before the Board of Zoning Adjustment for a variance for aggregate in the proposed boat/RV storage section of the site.

A motion was made by Adam Metcalfe, with second by Sanford Davis, to hold the application over until the February 3, 2014 meeting to give the applicant a good-faith effort to appear to state their case.

The motion passed unanimously.

**#5873**

**(Case #ZON2013-02916)**

**Oak Park Ministries**

**3321 Sollie Road**

(East side of Sollie Road, at the East terminus of Raleigh Boulevard).

**Sign Variance to allow a double-faced 4' x 8' digital sign in an R-1, Single-Family Residential District; the Zoning Ordinance requires that on-premise digital signs be a minimum of 300' from residentially zoned property.**

Council District 6

**January 6, 2014**  
**Board of Zoning Adjustment**

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.

Richie Nobles, 7745 Wind Tree Road, Mobile, AL, spoke on behalf of the applicant and made the following points in support of the matter:

- The church property is on Sollie Road on the City side;
- They have been at this location since 1997;
- The church started 58 years ago with about ten people in a tent and now has grown to an average 700-750 average congregation;
- Their current sign is inadequate, and the proposed sign would allow them to better serve their congregation and the community;
- They have 600 feet of street frontage with two signs on the property currently;
- They would remove both the existing signs and just have the one proposed sign;
- The current sign requires the letters to be changed which is difficult, time-consuming, and only allows for one message where the digital sign would allow for two messages to be seen with the current speed limit on Sollie Road;
- The proposed sign has dimming switches which can't be manipulated;
- There is one house that sits within the minimum 300 foot distance requirement, and it is on the County side of the road;
- The sign would be dimmed very low at nighttime per the ordinance;
- The cost of the sign is \$35,000, so they want to be sure and do everything properly.

The Chair stated that there is a house within that 300 feet, and they do have a wall, but it wouldn't obscure the sign. He stated that the digital sign ordinance was relatively new to the Board, and they have had a few cases come up. The previous minimum distance was 500 feet to a residential property and that has now been reduced to 300 feet. He asked what kind of information or benefit he saw with the new sign that he can't manage with the existing sign.

Mr. Nobles replied that it was time-consuming to change the letters on the current sign; it takes about an hour to change the messages on the current sign. They could get more timely messages out with the new sign, and they would be able to change the message quickly in the event of an emergency. The sign message application is web-based so the messages can be changed in a matter of seconds from the church office or his home. He believed that the new sign was beautifully designed and would match the nature of the subdivision across the street.

Mr. Metcalfe asked staff to verify that the property across that street is in the County, and because the church is R-1 zoned within 300 feet of a residence, this is what causes a variance to be needed. If the church were zoned B-2, used as a church, it wouldn't be required since it isn't near an R-1 zoned property.

Mr. Hoffman agreed.

The Chairman asked what the distance was to the house across the street and stated that he thought that the intent of the setback in the ordinance was to protect residential neighbors from flashing lights.



**January 6, 2014**  
**Board of Zoning Adjustment**

Mr. Nobles stated that he measured it with his golf laser and came up with about 98 yards.

Mr. Hoffman said that they took the distance into account in the staff report, but when they re-read the ordinance it specifically states R-1 zoned, they realized that because there was no zoning in the County they could not apply it that way.

The Chair stated that each time they approved one of the signs, they were setting a precedence, so they do have to take that into consideration when considering exceptions. He asked Council Representative Bess Rich if she had anything to say as she has opinions on digital signs.

Bess Rich, Council Representative for District 6, stated that she liked the fact that they would be removing the other two signs and getting down to one sign. She stated that the proposed sign seemed high and imposing. She stated that the area had a residential character even if it wasn't zoned residentially, and it was surrounded by residential zoning. She took a poll of her constituents in District 6, and this area is very near to that area, and they were of the opinion that there should be no digital signs, and if there were, they should be at a minimum 500 feet distance. They did get 300 feet crafted into the ordinance, and once variances were allowed, it was hard to hold the line. She thought that they had a very good applicant who means well, but they have to look at the big picture.

The Chair stated that the design of the sign was very nice, and since adjacent neighborhood has a wall, would they consider lowering the height of the sign to obscure the digital portion of the sign. It would also help with the safety aspect for passing drivers to not have to look so high up to view the message.

Mr. Nobles stated that it is ten feet to the top of the digital portion of the sign, and that the sightline from that portion to the wall of Raleigh is covered since the wall is on a berm.

A motion was made by William Guess, with second by Sanford Davis, to approve the request, subject to the following conditions:

- 1) relocation of the digital sign to be at least 300 feet from the property line of the properties located across Sollie Road from the site, and
- 2) lowering of the sign so that the top of the digital sign shall be no more than 8 feet above ground level.

The motion passed unanimously.

**#5874**

**(Case #ZON2013-02927)**

**Don Williams**

**653 South Conception Street**

(East side of South Conception Street, 65' ± South of Elmira Street extending to the West side of St. Emanuel Street, 65'± South of Elmira Street).

**Parking Ratio and Access/Maneuvering Variances to allow 4 parking spaces for an 1,800 square-foot office building with an 8' access drive and 18' maneuvering aisle in an I-1, Light Industry District; the Zoning Ordinance requires 6 parking spaces for an 1,800 square-foot office building and a 24' access/maneuvering drive and aisle, in an I-1, Light Industry District.**

**January 6, 2014**  
**Board of Zoning Adjustment**  
Council District 2

The Chair announced the matter, advising it had been recommended for holdover to the February 3, 2014 meeting. He advised the applicant should address the Board regarding the subject at that time.

Don Williams, M. Don Williams Development, 6300 Piccadilly Square Drive, Mobile, AL, spoke on behalf of the applicant and made the following points in support of the matter:

- It is very unusual to get a 10,000 square foot I-1 zoned property;
- The body of this site is 52' X 125' because it was a residence for many years;
- The jail is about three blocks north, about three blocks south are some Mardi Gras float barns, I-10 is across the street, and to the west is a vacant lot and the river;
- It has been vacant for many years as the previous resident is deceased, and his daughter now owns the property;
- The applicant is wanting to use to property as a bail bonding agency as there are several other bonding agencies in the area;
- This is the first pass into commercial use as it has always been used residentially, so the staff was correct is requiring that it come into full compliance for commercial standards;
- To be in full compliance, they would need six parking spaces, but they can only make four parking spaces;
- There is an eight foot wide driveway, and that is the maximum they can do as the building itself is so close to the property line;
- There is a triple-car carport, and also a patio space that can be made into a parking space which will account for the four parking spaces;
- There is an old outhouse in the back that restricts maneuverability of the cars;
- The owner is fine with removing the outhouse to improve the maneuverability;
- They have 28 feet of clearance in the width of the carport between columns, so they can place three nine-foot parking spaces there;
- They can make the space beside the carport be a handicapped space accessible with an aisleway to the side to make it van accessible;
- They plan to use city garbage collection service (cans on the street), rather than a dumpster;
- The extra space out in front on Conception street could be used as additional parking on the street;
- They will put in exit lights, emergency lights, ramp access, an ADA bathroom, and two trees to comply with the commercial codes and the tree ordinance;
- They are requesting that the case be heard now rather than holding it over.

The Chair asked if there was anyone in support of or in opposition to the matter. Hearing none, he opened the floor for a motion.

A motion was made by Adam Metcalfe, with second by Sanford Davis, to approve the request, subject to the following conditions:

- 1) removal of the existing out-house, and
- 2) full compliance with all municipal codes and ordinances.

**January 6, 2014**  
**Board of Zoning Adjustment**

The motion passed unanimously.

**#5875**

**(Case #ZON2013-02928)**

**Thomas Properties**

**720 Schillinger Road South**

(Southwest corner of Schillinger Road South and Old Government Street).

**Parking Ratio Variance to allow 110 parking spaces for a 19,580 square-foot multi-tenant retail and restaurant development in a B-3, Community Business District; the Zoning Ordinance requires 111 parking spaces for the retail and restaurant development in a B-3, Community Business District.**

Council District 6

The Chair announced the matter, advising that he thought the case had been withdrawn.

Mr. Hoffman stated that he had not received a withdrawal request, but he did know that the site had received an Administrative PUD approval because they were able to provide the one additional parking space. Consideration of this case is a moot point as a variance is no longer needed.

Don Williams, M. Don Williams Development, 6300 Piccadilly Square Drive, Mobile, AL, spoke on behalf of Derek Peterson and withdrew the application.

**OTHER BUSINESS:**

NONE

**APPROVED:** December 1, 2014



Chairman of the Board

/lw