

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**MEETING OF MARCH 2, 2015 - 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  
Charles Finkley, Planner I  
Lisa Watkins, Secretary I

**OTHERS**

Doug Anderson, Attorney  
George Davis, City Engineering  
Mary Beth Bergin, Traffic Engineering  
Capt. Sam Allen, 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 number 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 then called the meeting to order at 1:59 PM.

**EXTENSIONS:**

**#5908/5515/5434**

**(Case #ZON2014-01417)**

**Al Chalmout**

**1248 Hillcrest Road**

(Northwest corner of Hillcrest Road and Grelot Road).

**Parking Ratio Variance to allow 31 parking spaces for a 3,761 square foot restaurant in a B-3, Community Business District; the Zoning Ordinance requires 38 parking spaces for a 3,761 square foot restaurant in a B-3, Community Business District.**

Council District 6

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

William Latta, 3901 Spring Hill Avenue, Mobile, AL, spoke on behalf of the applicant and made the following points in support of the matter:

- They submitted a variance application last August;
- The plans have been submitted and are under review.

The Chair asked if there were any questions from the Board. Hearing none, the Chair asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, the Chair opened the floor for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Coleman, to approve the above referenced extension. However, the applicant should be aware that future extensions are unlikely

The motion passed unanimously.

**PUBLIC HEARINGS:**

**#5947**

**(Case #ZON2015-00029)**

**George Coburn**

**4484 Rutgers Road**

(North side of Rutgers Road, 450'± West of Tufts Road).

**Use and Parking Surface Variances to allow a commercial tree service with equipment storage and aggregate parking surfaces in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of a I-1, Light Industry District for a commercial tree service and requires asphalt, concrete, or an approved alternative paving surface for parking areas in a I-1, Light Industry District.**

Council District 4

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

**March 2, 2015**  
**Board of Zoning Adjustment**

Brett Orrell, Polysurveying, 5588 Jackson Road, Mobile, AL, spoke on behalf of the applicant and made the following points in support of the matter:

- Mr. Orrell submitted aerial photos for distribution prior to the meeting;
- Mr. Coburn bought this property in December to use this property for his business;
- Mr. Coburn lives in Cypress Shores and currently operates from an office in his home;
- He has brought in an office trailer;
- Rutgers Road is primarily used residentially, but as you travel toward the railroad tracks and on the other side of the tracks the properties become commercial in nature, and there appears to be a commercial building across the street;
- They are seeking to use the property commercially and have a chain link fence around it for security;
- Mr. Coburn's business is a one-man operation, so there will be no other employees;
- Gravel exists there already so they are wanting to widen the current driveway, and since the gravel would be appropriate for heavy trucks and machinery and a laydown yard in the back, they want to use gravel surfacing in the back as well.

The Chair asked if there were any questions from the Board.

Mr. Metcalfe asked for verification that the applicant had purchased the property in December, knowing that it was R-1, with the intent to use it in this manner. He also asked if the trailer had been permitted.

Mr. Orrell stated that was correct. He further stated that the trailer had not been permitted, and they would need to get a land disturbance permit and some others as well.

Mr. Metcalfe asked Mr. Hoffman if the permit would have been denied if the applicant had applied to permit the trailer.

Mr. Hoffman stated that if a permit had been applied for, it would have been denied. The matter was before the Board now because staff received a complaint.

Mr. Metcalfe asked why they didn't apply to rezone.

Mr. Orrell stated that it is very difficult to rezone in the Cypress Shores area, so they felt like a variance would be more appropriate. They want to make it a specific use for this property, and if it needed to be used later as R-1 it could be used that way rather than being put to some other commercial use by someone else.

Mr. Metcalfe asked if there had been comments received from neighbors after the variance request was filed.

Mr. Hoffman stated that he wasn't aware of any comments.

Mr. Milling asked if there were any properties on Rutgers Road being used commercially.

Mr. Orrell stated that there is a property on the south side of Rutgers Road that he believes someone is using commercially due to the size of the building; they appear to be storing a

**March 2, 2015**  
**Board of Zoning Adjustment**

substantial amount of equipment or supplies. Across the street on Tufts, there is a business that has been there for a number of years that is still zoned R-1. There is a church near there that is zoned R-1, and he did another non-conforming use down on Furman on an existing mobile home park that was approved. There was another illegal trailer on another site in the area; the new owner has had the trailer removed, but he hopes to use his property commercially as well. There are several other trailers in violation of the zoning ordinance in the area; the area is trending towards commercial use.

The Chair asked if there was anyone present in the audience in favor or in opposition to the matter.

Scott Doult, 4600 Benson Road, Mobile, AL, spoke in support of the matter and made the following points in favor of the request:

- He lives in Cypress Shores as well;
- He bought the property across the street from the subject property;
- Both of these properties are right near the railroad tracks where there is noise, and near Rangeline Road which is equivalent to an interstate;
- Mr. Coburn did bring in a trailer, but he has also improved the property by cutting down a lot of weeds and high grass on the property;
- Mr. Coburn lives right around the corner in Cypress Shores and will take good care of the property since he lives in the neighborhood.

The Chair asked if there was any one else in the audience in favor or in opposition to the matter. Hearing none, he opened the floor for a motion.

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

**The Board determined the following findings of facts for denial:**

- 1) Approving the variance request will be contrary to the public interest in that the property is located along a street segment with no other commercial uses, and as such, the increase in noise as well as heavy truck and employee traffic would negatively impact the adjacent residential uses;**
- 2) Special conditions with the site or unusual site constraints do not exist that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variances because the majority of the adjacent properties are zoned and used for residential uses, R-1, Single Family Residential, and the few business that are within the area appear to be in compliance with the surfacing requirements of the Zoning Ordinance, and no other Surface Variances have been granted within the neighborhood.**

The motion passed unanimously.

#5948

(Case #ZON2015-00108)

**Rogers & Willard, Inc.**

**451 & 455 St. Louis Street**

(Southeast corner of St. Louis and North Lawrence Street and Southwest corner of St. Louis Street and North Franklin Street).

**Site Variance to allow more than one curb-cut per street frontage in the Downtown Development District; the Zoning Ordinance allows a maximum of one curb cut per street frontage in the Downtown Development District.**

Council District 2

The Chair announced the matter, advising that Mr. Milling recused himself from the case. He also stated that it had been recommended for approval. He advised the applicant to address the Board regarding the subject at that time.

Mike Rogers, Grebe, LLC, 3005 Mill Street, Mobile, AL, spoke on behalf of the applicant and made the following points in support of the matter:

- He is in agreement with the staff recommendations.

The Chair asked if there were any questions from the Board. The Chair asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, the Chair opened the floor for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Coleman, to approve the above referenced matter.

**The Board determined the following findings of fact for Approval:**

- 1) Approving the variance will not be contrary to the public interest in that the applicant could have up to four curb-cuts by right on the site;
- 2) Special conditions do exist and there is a hardship which exists specifically, the existing auto-oriented architectural features of the National Register of Historic Places-listed building that make the need for supplemental curb-cuts necessary for the reuse of the property; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance to allow the site to have better traffic flow, and to support the renovation of the historic structure.

**The approval is subject to the following conditions:**

- 1) limited to two curb-cuts to North Hamilton Street, two curb-cuts and one mountable curb to North Lawrence Street, and the removal of all other curb-cuts; and
- 2) full compliance with all other municipal and ordinances, including the obtaining of all permits necessary for work in the right-of-way.

The motion passed with Mr. Milling recused from the vote.

#5949

(Case #ZON2015-00257)

Emili Hansan

**250 Woodlands Avenue**

(Northeast corner of Woodlands Avenue and Springhill Avenue).

**Setback Variance to allow a 6' concrete block wall on side street side yard property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires all 6' concrete block walls be setback 20' from the side street side yard in an R-1, Single-Family Residential District.**

Council District 1

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

Emili Hansan, 250 Woodlands Avenue, Mobile, AL, spoke on her own behalf and made the following points in support of the matter:

- She is asking for permission to build a 5-7' concrete block wall starting at the southeast corner of her property closest to Spring Hill Avenue, then running along the property line towards Woodlands, extending 80-100';
- She wants to build this wall to help with noise reduction;
- She is in agreement with staff recommendations.

The Chair asked if there were any questions from the Board. The Chair asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, the Chair opened the floor for a motion.

A motion was made by Mr. Coleman, with second by Mr. Davis, to approve the above referenced matter.

**The Board determined the following findings of fact for approval:**

- 1) **Approving the variance request will not be contrary to the public interest due to the fact that similar variance s have been approved within the vicinity of this site;**
- 2) **Special conditions appear to exist, primarily the distance from the front property line to the beginning of the wall and the lack of a driveway onto Spring Hill Avenue, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and**
- 3) **That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that it will help reduce noise along the side street (Spring Hill Avenue).**

**The approval is subject to the following conditions:**

- 1) **the obtaining of the proper permit(s) for the construction of the wall;**
- 2) **removal of the existing low fence and wall encroaching into the public right-of-way along Spring Hill Avenue, with a Right-of-Way permit from the City Engineering Department; and**



**3) full compliance with all municipal codes and ordinances.**

The motion passed unanimously.

**#5950**

**(Case #ZON2015-00266)**

**Diversified Emergency Management Associates, LLC**

**500 Bay Shore Avenue**

(Northeast corner of Bay Shore Avenue and Josephine Street).

**Parking Ratio, Surfacing, Residential Buffer and Access and Maneuvering Variances to allow no designated parking, dirt surfacing, an existing chain link fence to serve as residential buffer and a 9' drive aisle in a B-2, Neighborhood Business District; the Zoning Ordinance requires a minimum of 3 (three) parking spaces for a 1,100 square foot office building, with asphalt, concrete, or an approved alternative paving surface for parking areas, a 6' privacy fence or evergreen hedge for adjacent residential properties and 24' wide two-way drive aisle in a B-2 Neighborhood Business District.**

Council District 1

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

Jesse Norwood, Diversified Emergency Management Associates, LLC, 500 Bay Shore Avenue, Mobile, AL, spoke on his own behalf and stated that he is agreement with staff recommendations.

The Chair asked if there were any questions from the Board. The Chair asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, the Chair opened the floor for a motion.

A motion was made by Mr. Coleman, with second by Mr. Davis, to approve the above referenced matter.

**The Board determined the following findings of fact for approval:**

- 1) Approving the variance request will not be contrary to the public interest since the anticipated traffic generated from the business would be equivalent to a residential site;**
- 2) Special conditions appear to exist as the site is residentially developed with no compliant location suitable for commercial parking facilities, that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and**
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance since the site will be limited to a maximum of three (3) employees and not allow customers on site.**

The approval is subject to the following conditions:

- 1) A maximum of three (3) employees;
- 2) No customers on site;
- 3) Paving in asphalt of the parking area; and
- 4) Full compliance with all other municipal codes and ordinances.

The motion passed unanimously.

**#5951/4463/2048**

**(Case #ZON2015-00278)**

**Malaga Properties Inc. / Julie Beem**

**359 Church Street**

(Southeast corner of Church Street and South Franklin Street extending to the Southwest corner of Church Street and South Claiborne Street).

**Sign Variance to allow a non-conforming freestanding sign replacement, constructed of composite high density urethane in a Form Based Code T5.1 District; the Zoning Ordinance does not allow any freestanding sign made of composite materials in Form Based Code T5.1 Districts.**

Council District 2

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

Julie Beem, 359 Church Street, Mobile, AL, spoke on her own behalf and made the following points in support of the request:

- The staff report states that she would have two freestanding signs;
- If the variance is approved, she will take down the 12' tall yellow sign that has been there since 1968;
- They are in the process of renovating the hotel from top to bottom;
- Many of her customers come into downtown from I-65 to I-165, and they come from Claiborne Street, so she needs a sign on the corner of Claiborne and Church Street as that is where the parking lot is;
- There is no way to put a sign on her building that can be seen coming down Claiborne Street as there is a brick wall and then the parking lot;
- There has always been an awning with "Malaga Inn" on it – it was replaced in 1992 or 1993 – possibly before there was an ordinance against it;
- Customers have to pull into the circle to see the awning.

The Chair asked if there were any questions from the Board.

Mr. Milling asked for verification of exactly which signs were on the property, and he noted a sign on the Franklin Street side of the property.

Ms. Beem stated that she completely forgot about that sign and would gladly take it down in addition to taking down the large yellow sign.



**March 2, 2015**  
**Board of Zoning Adjustment**

The Chair stated that the second part to the variance was a request to allow the sign to be made of high-density urethane.

Mr. Hoffman stated that the regulations for the Downtown Development District require that signs be made either of wood, metal or metal composite. It was pointed out to him that the Consolidated Review Committee, which is made up of three staff members and two mayoral appointees, has the ability to allow alternate building materials where the materials proposed are considered equivalent or better than the materials listed and that regionally available materials are preferred. The material issue could potentially be approved through a non-Board process; however, if the Board were willing to approve the urethane material as proposed, it could do so as well.

Mr. Metcalfe asked if the applicant had already purchased the sign.

Ms. Beem stated that she purchase it before she knew that this change had been passed.

The Chair asked if there was anyone present in the audience in favor or in opposition to the matter.

Mr. Milling asked Elizabeth Stevens what the position of the Downtown Mobile Alliance was regarding the material.

Elizabeth Stevens, Downtown Mobile Alliance, 261 Dauphin Street, Mobile, AL, stated that the CRC could certainly consider the material. She further stated that wood hasn't always lasted as long as they would like for signs, and she thought it was fine to consider other materials.

After discussion, a motion was made by Mr. Coleman, with second by Mr. Davis, to approve the above referenced matter.

**The Board determined the following findings of fact for Approval:**

- 1) The variance will not be contrary to the public interest;**
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and**
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.**

**The Approval is subject to the following conditions:**

- 1) obtaining of the necessary sign permit;**
- 2) obtaining of approval for the sign design by the Architectural Review Board; and**
- 3) removal of the existing un-permitted noncompliant freestanding sign at the Southeast corner of Church Street and South Franklin Street.**

The motion passed unanimously.

#5952/5760/5674

(Case #ZON2015-00279)

**Gulf Coast Hubcaps & Wheels (Don Williams, Agent)**

**3257 Springhill Avenue**

(Southwest corner of Springhill Avenue and Durant Street).

**Landscape, Tree Plantings, Access and Maneuvering and Dumpster Enclosure Variances to allow an automotive repair service with 7 trees and 2% of frontage landscaping, 10' wide drive aisle, and a roll off dumpster for a 22,000 square foot lot in a B-3, Community Business District; the Zoning Ordinance requires 26 trees and 7.2% frontage landscaping, 12' drive aisles, and all dumpsters to be enclosed in a B-3, Community Business District Council District 1**

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

Don Williams, Don Williams Development, P. O. Box 16305, Mobile, AL, spoke on behalf of the applicant and made the following points in support of the matter:

- This site has a history that goes back several years, and there are several non-compliant issues with the site now;
- They have been granted variances for different items twice in the past and the conditions were not met for one reason or another, and both variances have now expired;
- They are here now with a new application to expand their request for more items than had been requested previously to bring them closer into compliance;
- They are removing some of the building on the side yard at Durant Street and removing about 20' of roof that extends over the right of way line;
- They are creating a 20' compliant side yard setback;
- They are offering to put a sidewalk on the Durant Street side along their frontage where there is no sidewalk now;
- They are taking down 10' of the building, about 300' in length, near the railroad tracks as they are on the railroad track right of way line now in order to be in compliance with the 10' railroad setback;
- They will submit plans for the remaining buildings so that they are in full compliance with the building inspections department;
- They will provide a unisex, handicap accessible bathroom where none currently exists;
- They will be in compliance for the appropriate storage of their tires per fire department requirements;
- They will remove the current dumpster pad that sits on the right of way line, plant four more trees, and provide onsite employee parking spaces;
- They cannot come into compliance on the items before the Board with this application, and they are requesting the variances to bring them into compliance.

Mr. Milling asked why the previous variance conditions were not met.

Mr. Williams stated that the previous administration did not press the issues of non-compliance, and the current administration is pressing harder. They followed some informal advice from the previous administration that this might go away, and it hasn't.

**March 2, 2015**  
**Board of Zoning Adjustment**

Mr. Metcalfe stated that this applicant has been before the Board twice that he can remember. He asked what had happened to cause them to come back before the Board now.

Mr. Williams replied that the City has scheduled a court hearing in March due to non-compliance, and Mr. Lawler could speak to that.

John Lawler, 804 Commerce Building, 118 N. Royal Street, Mobile, AL, spoke on behalf of the City and made the following points in support of the application:

- As noted in the staff report, this applicant has been before the Board twice before;
- When nothing happened to bring the site into compliance, he was asked by the City to file a petition in Circuit Court asking for injunctive relief to get this building and property brought into compliance with the codes;
- He has visited the site and has gone over this application with Mr. Williams;
- If they do these things that Mr. Williams has proposed, the site will be in compliance;
- The case he has filed comes before the Circuit Court on March 18<sup>th</sup>;
- At that hearing, he intends to ask the judge to enter an order that this plan be followed and that the building be brought into compliance within nine months or that the business license be revoked;
- He believes that will get something going;
- If the Board turns down the variance request, he believes that the applicant may appeal the case, and it would complicate matters;
- He urged the Board to grant the variance and let him get a court order that requires the applicant to comply with the conditions.

The Chair asked if they held the matter over and allowed it to go to court, would it accomplish the same thing?

Mr. Lawler stated that the court could do the same thing either way. The court isn't bound by the Board's decision, but this property does meet the classic conditions for a variance, i.e. size, etc., regardless of what the applicant has done. He doesn't want to have something else pending. He'd like to go to court and be able to say that if the applicant meets the conditions of approval, everything is fine, and if the applicant doesn't meet the conditions within nine months, his business will be shut down. Mr. Lawler felt that this is the only way to get anything done.

After discussion, a motion was made by Mr. Davis, with second by Mr. Metcalfe, to approve the above referenced matter.

**The Board determined the following findings of fact for Approval:**

- 1) The variance will not be contrary to the public interest;**
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and**
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.**

The Approval is subject to the following conditions:

- 1) Full compliance with all applicable Building, Mechanical, Electrical, Plumbing and Fire Codes;
- 2) Compliance with Engineering comments (*a. Submit a Land Disturbance Permit for any required site improvements and for any unpermitted site improvements made since 1984, and b. Submit a ROW Permit for any proposed work within the ROW.*);
- 3) Compliance with Traffic Engineering comments (*A parking variance may also be required for the site as currently proposed. The parallel spaces on the side of the building should be 23' long for the southern four spaces, and 20' for the northernmost space. That required 112' in length; currently the spaces total 105' in length. Also, the van accessible space should be 16' in total width. Currently, it is only 15' in width. There appears to be enough asphalt to modify the striping to accommodate the addition 1'. The driveway on Durant Street is called out to be 12' wide existing, but only measures 8' at its narrowest width. This driveway should be a minimum of 10' in width at its narrowest point.*);
- 4) Compliance with Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Mobile Tree Commission permit is required before removing any existing trees from the right of way.*);
- 5) Compliance with Fire comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*); and
- 6) Full compliance with all other municipal codes and ordinances.

The motion passed unanimously.

#5953

(Case #ZON2015-00281)

Jerry Arnold, (Don Williams, Agent)

103 North Warren Street

(Northwest corner of North Warren and St. Michael Street).

**Bulk Site Variances to allow a wooden surface terrace to occupy 26% of the width of the building façade on the primary frontage on North Warren Street, a 12" high terrace for outdoor seating and allow a metal canopy in the Downtown Development District; the Zoning Ordinance requires a terrace to be 100% of the width of the building on the primary frontage except for where driveways are permitted and must be paved or landscaped, minimum of a 20" high terrace for outdoor seating and does not allow metal canopies in the Downtown Development District.**

Council District 2

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

Don Williams, Don Williams Development, P. O. Box 16305, Mobile, AL, spoke on behalf of the applicant and made the following points in support of the matter:

**March 2, 2015**  
**Board of Zoning Adjustment**

- There is an older building on this site downtown that used to be a car repair place;
- The roof on the building has caved in;
- The applicant wants to put a brewery in with a tasting area;
- He wants to have some outside seating, and to keep guests cool, he would like to put up a canopy;
- They are requesting a one month holdover while they regroup after they have talked to the Downtown Alliance, some of their consultants, and the staff as they think that their particular use request falls between several categories so they need to all get on the same page.

The Chair asked if there were any questions from the Board. The Chair asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, the Chair opened the floor for a motion.

After discussion, a motion was made by Mr. Reilly, with second by Mr. Milling, to holdover the above referenced matter.

**The application was heldover until the April meeting, at the applicant's request.**

The motion passed unanimously.

**#5954**

**(Case #ZON2015-00284)**

**Howard Stallworth**  
**2623 Pollard Lane**

(Southeast corner of Pollard Lane and Oliver Street).

**Side Street Yard Setback Variance to allow an addition within 2.3" of side street side yard property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 20' side street side yard setback in an R-1, Single-Family Residential District.**

Council District 3

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

Howard Stallworth, 2623 Pollard Lane, Mobile, AL, spoke on his own behalf and stated that he has seen the staff recommendations and is in agreement with the conditions of approval.

The Chair asked if there were any questions from the Board. The Chair asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, the Chair opened the floor for a motion.

After discussion, a motion was made by Mr. Milling, with second by Mr. Davis, to approve the above referenced matter.

The Board determined the following findings of fact for approval:

- 1) Approving the variance request will not be contrary to the public interest since the proposed addition would not appear to cause any visibility issues for adjacent property owners and passerby;
- 2) Special conditions appear to exist due to the orientation of the home on the lot, the fact that it is a corner lot, and the dwelling unit's interior layout, that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance since the applicant will obtain the proper building-related permits and the bathroom addition will help alleviate the existing accessibility issues resulting from the interior layout of the home.

The approval is subject to the following conditions:

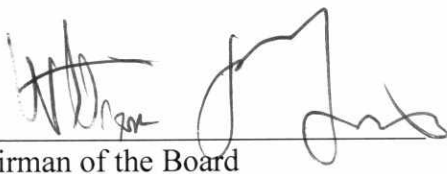
- 1) Obtainment of the proper building-related permits; and
- 2) Full compliance with all other municipal codes and ordinances.

The motion passed unanimously.

**OTHER BUSINESS:**

With there being no further business before the Board, the meeting was adjourned at 2:48 PM.

**APPROVED:** July 6, 2015

  
Chairman of the Board

/lw