

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

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Russell Reilly

**STAFF PRESENT**

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

**OTHERS PRESENT**

John Lawler, City 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
✓	Lewis Golden
✓	Adam Metcalfe
✓	Jeremy B. Milling
✗	Russell Reilly

**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 all five members present to pass a variance. He called the meeting to order at 2:00 p.m.

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**APPROVAL OF MINUTES:**

A motion was made by Mr. Guess, with second by Mr. Coleman, to approve the minutes from the following Board of Zoning Adjustment meetings:

- **July 2, 2012;**
- **August 6, 2012;**
- **September 10, 2012;**
- **October 1, 2012;**
- **November 5, 2012.**

The motion carried unanimously.

**PUBLIC HEARINGS:**

**#5865/5777**

**(Case #ZON2013-02272)**

**Wrico Signs**

**5530 Three Notch Road**

(Northwest corner of Three Notch Road and U.S. Highway 90 West Service Road).

**Sign Variance to allow two LED digital reader board signs on two freestanding sign structures at a single-tenant business site in a B-3, Community Business District; the Zoning Ordinance does not allow additional new signage on a second sign structure at a single-tenant business site in a B-3, Community Business District.**

Council District 4

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

The following people spoke in support of the matter:

- 1) Wade Wright, Wrico Signs, 3345 Halls Mill Road, Mobile, AL, spoke on behalf of the applicant; and
- 2) Jeff Liunell, Walgreens, 5530 Three Notch Road, Mobile, AL, spoke on his own behalf.

They made the following points in support of the application:

- They got a variance and a permit a year ago;
- Walgreens has been concentrating on a lot of new construction;
- They are simply asking for an extension of the approval from a year ago.

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. Hearing none, he opened the matter for a motion.

A motion was made by Vernon Coleman, with second by Mr. Sanford Davis, to approve the above referenced request, subject to the following conditions:

- 1) **Compliance with all municipal codes and ordinances.**

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The motion carried unanimously.

**#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 it had been recommended for holdover. He advised the applicant should address the Board regarding the subject at that time.

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

- He requested that the Board consider a conditional approval based on them receiving Planning Commission approval, provided that the Board chose to approve the application. He stated that they were likely to be heldover at the Planning Commission meeting on Thursday, November 7, 2013, which would add another 30 days timeframe to that approval. If they were heldover today, it would push the decision on the matter before the Board of Zoning Adjustment back 60 days;
- He would like to show the Board why this case meets the hardship requirement;
- They are trying to be as unobtrusive as possible with the 150' monopole tower since it is near a residential area;
- Because they are not going over 200', the FAA does not require that it be lit;
- The closest property line to the site is a cemetery to the north;
- They are 145' from the closest residential property line to the south;
- AT&T needs this site to improve cell service coverage to businesses and residences in the area;
- They are working on several other sites in the Mobile area, but at the other three sites, they will be installing equipment on existing towers. This site is the only location where they are asking to build a new tower;
- They are limited as to the site selection due to their system requirements. The other sites within their search ring are zoned incorrectly for this use. The other nearby site that is zoned correctly has a tower on it, but doesn't have space available to install equipment at the height they require;
- They will be leasing a 75' X 75' parcel, and they will fence a 65' X 65' area;
- The hardship they have regarding the height variance requested is the propagation of the radio signals;

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- The signals from each tower have to work in tandem with each other to form a network;
- They need the 150' variance due to the topography of the area;
- They are trying to stay in a business district, rather than going into a residential area. This site is the most wooded of any site available that is zoned for business. The tower will emit no odor, noise, or light;
- They are willing to put up privacy fencing and plant trees as required by the City, so he doesn't think that there is a need for the tree variance.

Mr. Guess asked if there were more than one tower on a property, would they interfere with each other?

Mr. Rotenstreich stated that there can be multiple towers on a site without interference.

Mr. Guess and Mr. Rotenstreich discussed several other nearby possible locations. Mr. Rotenstreich stated that they had looked at each of those sites, but they did not meet their needs for various reasons.

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.

Ms. Jane Conkin, President of Muir Woods Homeowners Association, 2519 Muir Woods Drive East, Mobile, AL, spoke in opposition to the matter and voiced the following reasons for her objection:

- Homeowners in Muir Woods have circulated and signed a petition to present to both the Board of Zoning Adjustment and the Planning Commission;
- They are adamantly opposed to having the tower this close to their neighborhood as it is 42.75' feet from residential property;
- They feel that it will affect their property values, and it will be directly visible to five property owners on the north;
- The site is heavily wooded, and the trees provide a buffer from the noise in the shopping center and Cottage Hill Road;
- The residents have not been privileged to see the nature of what cause a hardship in this case;
- She would have had a delegation of homeowners from both Muir Woods and the Ashbury neighborhood to the east, but they thought that the application would be heldover and not proceed today.

Mr. Sanford Davis thought that since the homeowners were under the impression that the case would be heldover and that they haven't been privy to all the information that demonstrates the hardship that it is unfair to them to entertain this hearing at this time.

Mr. Metcalfe asked Ms. Conklin what her primary concern was in the matter.

She stated that aesthetics was the primary concern.

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Mr. Metcalfe pointed out that because this property is zoned B-2, and therefore every tree could be cleared all the way up to the property line other than meeting the treeplanting regulations. The site is wooded, and the applicant is talking about clearing a 75' X 75' area to the north and leaving the area to the south, buffering their neighborhood, undisturbed.

At the Chairman's request, Mr. Rotenstreich showed Ms. Conklin on the map the area that they are planning to clear as well as the area they intend to leave as is.

Mr. Guess stated that he thought that the applicant and residents should get together to review and discuss all the information provided to the Board.

Hearing no further opposition, a motion was made by William Guess, with second by Mr. Sanford Davis, to **holdover the above referenced request to the December 2, 2013 meeting to allow the Planning Commission to make a determination concerning the tower's allowance in the B-2 District.**

The motion carried unanimously.

**#5867**

**(Case #ZON2013-02384)**

**Capital Signs (Charles Laborde, Agent)**

**1966 Government Street**

(Northeast corner of Government Street and Dauphin Island Parkway, extending to Airport Boulevard).

**Sign Variance to allow a 64 square-foot monument sign, with an existing 55 square-foot wall sign, for a total of 119 square feet of signage, at a single-tenant commercial site in a B-3, Community Business District, along the Government Street Corridor; the Zoning Ordinance allows a maximum of 50 square feet for a monument sign, and a maximum of 64 square feet of total signage, at a single-tenant commercial site in a B-3, Community Business District, along the Government Street Corridor.**

Council District 2

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 favor of the application:

- 1) Larry Carbo, 435 Preston Wood, Shreveport, LA, who spoke on his own behalf; and,
- 2) Richard Paul, Capital Signs, 1908 Highway 29, Bunkie, LA, who spoke on behalf of the applicant.

They made the following points in support of the matter:

- Mr. Carbo owns the property at 1966 Government Street where there is a Popeye's;
- They have been doing extensive work at all the area stores;
- This store has an old, shabby pylon sign at the back of the property that has been there since the 70s;
- They want to take that sign down and replace it with a monument sign that will look much better and enhance the property;

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- The building that housed the Title Max office has been torn down and cleared, and it is being rebuilt;
- The total height of the sign is 5’;
- The sign itself is 4’ X 8’;
- The current pylon sign is about 35’ feet high, and the total square footage of the current sign is around 250 square feet;
- The current sign is a big eyesore on the corner of the property and will be totally removed;
- The sign is important because there are two entrances to the store – one from Government Street and one from Airport Boulevard;
- Customers will pass by the Airport Boulevard entrance if there is no signage for identification and direction.

Mr. Coleman asked if the problem staff had with the monument sign was the square footage that it would occupy.

Mr. Hoffman stated that in this case, the property falls under the rules that regulate signs along the Government Street corridor. This sign will push the site over the allowed 64 square feet limit for total signage allowed on the Government Street corridor.

Mr. Coleman stated that the majority of traffic coming into the site is from the Airport Boulevard side and that restricting the applicant from having this sign at the rear would create a hardship having to do with the site, not the signage.

Mr. Hoffman replied that if this site were not located on Government Street, and if this sign was their only freestanding sign, they would certainly be allowed to have a sign of up to 200 square feet based on the frontage on this side of the property. He thought that the problem was that the property was located along the Government Street corridor. He clarified that the proposed sign was to be located on the north/Airport Boulevard side of the property.

Mr. Carbo stated that when he purchased the property, he was told that the sign was put on the Airport side of the site because the front of the property was in the historical district (although it isn’t now), and the rear of the property was not in a historical district.

Mr. Guess asked MaryBeth Bergin if she had reviewed this request from a line-of-sight standpoint.

Ms. Bergin stated that she had not, but that is usually handled during the permitting process. She further stated that, typically, when the sign is located on the property that it is not usually a problem.

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

Mr. Metcalfe wanted to clarify that:

- 1) There is an existing pole-mounted sign on the backside of the property at the Airport Boulevard entrance;
- 2) They are going to take that existing sign down and install a new, low, monument sign on Airport;

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- 3) On the Government Street side, they have a sign on the building and no other signage on that frontage; and,
- 4) Basically, the intent of the recommendation is applying the standard for the Government Street to the entire property.

Hearing no further discussion or opposition, the Chair opened the matter for a motion.

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

The motion carried unanimously.

**#5868**

**(Case #ZON2013-02398)**

**Jay Todia**

**918 Government Street**

(North side of Government Street, 460'± West of Broad Street).

**Parking Ratio, Access/Maneuvering and Landscaping/Tree Planting Variances to allow 19 parking spaces for a 9,900 square-foot building, with a 21'-4" access/maneuvering drive and aisle, 1,126 square feet of frontage/total landscaping area and no tree plantings in a B-1, Buffer Business District; the Zoning Ordinance requires 33 parking spaces for a 9,900 square-foot building, a 24' wide access/maneuvering drive and aisle, 1,633 square feet of total landscaping area with 980 square feet apportioned along both street frontages, and 19 total trees in a B-1, Buffer Business District.**

Council District 2

The Chair announced the matter and stated that Mr. Milling had recused himself from the case. He advised that the matter had been recommended for holdover. He advised the applicant should address the Board regarding the subject at that time.

Steve Stone, Architect, 52 Bienville, Mobile, AL, spoke on behalf of the applicant and stated that he was in agreement with the staff recommendations and that he could get the revisions in by the end of the week.

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

Mr. Coleman asked where the drive aisle was being required on the property.

Mr. Hoffman replied that the only parking on the property is behind the building, and it is accessed from Conti Street. It is shown on the site plan having a drive aisle coming down the center. He stated that the conditions do not state that there has to be a change in the design.

Ms. Bergin clarified that the variance may not specifically be for 21'4" because the property isn't rectangular; it narrows as you go towards Government Street so the aisle will be a little smaller. She just wanted to acknowledge this for the record.

Hearing no opposition or further discussion, the Chair opened the matter for a motion.

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A motion was made by Adam Metcalfe, with second by Mr. Vernon Coleman, to approve the above referenced request, subject to the following conditions:

- 1) subject to the Planning Commission's approval of the Planning Approval request;
- 2) revisions to site plan to indicate a dumpster will be provided or a note on the plan stating that curbside pickup will be utilized;
- 3) subject to Urban Forestry comments: *"Due to existing trees located on right of way, at the front of the building, staff is recommending 1 overstory tree or 2 understory trees be planted on the Conti St. side and coordinate with Urban Forestry."*;
- 4) subject to Traffic Engineering comments: *"The shape of the parcel is not square, and the property narrows from Conti Street to Government Street. Therefore, at the middle of the property around the back of the building and the A/C units, the reduced width of the property is approximately 56' 10". With 2 rows of 18' parking spaces, the aisle width is reduced even more than the 21' 4", to approximately 20' 10". For reference purposes, sedans and mid-sized SUVs typically vary in length from 14' – 17', however a typical pick-up truck is around 20' in length. It is possible for vehicles to extend into the already reduced aisle width. If a variance is approved, the varying aisle width should be acknowledged to avoid variance compliance issues when a dimensioned site plan is submitted for approval. Also, bumper stops would be needed in the spaces along the east property line to prevent vehicles from encroaching or cutting through the adjacent property.";* and
- 5) full compliance with all other municipal codes and ordinance.

The motion carried with Mr. Milling recusing himself from the vote.

**OTHER BUSINESS:**

Mr. Metcalfe stated that he had noticed that the staff reports were coming more quickly to the Board, but he didn't understand how applicants could come to the meeting without having seen the staff reports. He didn't feel that it was fair to the applicant to hand them a laundry list of conditions to review on the spot. He thought there should be a system in place to forward the staff reports to the applicant with the contact information listed on the application. He did realize that the staff reports are available on the website.

Mr. Hoffman stated that on the current applications, there is no section for email addresses. He further stated that the applicant does receive a letter telling them where the meeting will be and where they can go for more information. The applicant can also come to the office and review the entire file.

Mr. Guess asked what information was posted on the website.

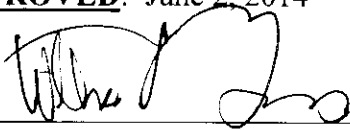
Mr. Hoffman stated that it was the same report that the Board members receive.

The Chair asked if there was any further business; hearing none, the meeting was adjourned.



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**APPROVED:** June 2, 2014



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Chairman of the Board

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