

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF DECEMBER 1, 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

George Davis, City Engineering
MaryBeth Bergin, Traffic Engineering
Gerard McCants, Urban Forestry

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.

HOLDOVERS:

#5927

(Case #ZON2014-02152)

Cimco Refrigeration, Inc.

2508 Commercial Park Drive

(North side of Commercial Park Drive, 360'± East of Government Boulevard Service Road, extending to the South side of Eslava Creek Parkway, 130'± East of Government Boulevard Service Road).

Surface Variance to allow gravel surfacing for an equipment lay-down yard in a B-3, Community Business District; the Zoning Ordinance requires an equipment lay-down yard to be paved with asphalt, concrete, or an approved alternative paving surface in a B-3, Community Business District.

Council District 5

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.

Ben Blankenship, Cimco Refrigeration, 2502 Commercial Park Drive, Mobile, AL, spoke on his own behalf and made the following points in support of the matter:

- The area in the back is where they store all their pipe and extra equipment;
- They drive forklifts in the area;
- He has seen staff recommendations and is in agreement.

The Chair asked if there were any questions from the Board. Hearing none, he asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, he 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 noted the following findings of fact for Approval:

- 1) **Based on the fact that the rear portion of the site has been used as a laydown yard since at least 1984, without surface improvements, and the applicant has improved the laydown area with an aggregate surface, the variance will not be contrary to the public interest;**
- 2) **Special conditions exist, including the location of a portion of the site within a flood zone associated with Eslava Creek, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and**
- 3) **The spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance, as the applicant has made other substantial improvements to the site, and the improvement of the laydown yard area with aggregate will additionally reduce run-off and siltation into the adjacent flood zone.**

The approval is subject to the following conditions:

- 1) Maintenance of the aggregate surfacing in the laydown yard for as long as it is in use;
- 2) Revision of the site plan to depict landscape area borders, and provision of the borders around the landscape areas to prevent vehicular encroachment and the placement of laydown materials;
- 3) Provision of three (3) copies of the revised site plan to the Planning Section prior to any request for re-inspection of the site for the completion of the Certificate of Occupancy process;
- 4) Completion of the Certificate of Occupancy process; and
- 5) Any additional proposed access between the site and 2499 Eslava Creek Parkway, beyond what now exists, will require applications for Planned Unit Development and Subdivision approval prior to any requests for permits.

The motion passed unanimously.

#5929

(Case #ZON2014-02162)

Modern Signs LLC

1854-B East I-65 Service Road North

(East side of East I-65 Service Road North, 550'± North of First Avenue).

Sign Variance to allow a second freestanding sign on a multi-tenant commercial site with 559 linear feet of street frontage in an I-1, Light Industry District; the Zoning Ordinance requires at least 600 linear feet of street frontage to allow a second freestanding sign on a multi-tenant commercial site in an I-1, Light Industry District.

Council District 1

The Chair announced the matter. He advised that Mr. Milling and Mr. Metcalfe recused themselves from the case, but there was still a quorum so the case could proceed. He advised that the request had been recommended for approval. He advised the applicant should address the Board regarding the subject at that time.

Rick Armstrong, Modern Signs, 869-A Commerce Drive, Gulf Shores, AL, spoke on his own behalf and made the following points in support of the request:

- They are requesting a second freestanding sign on this site;
- The building sits very far back off of the road and provides no visibility for his client;
- There is already one freestanding sign on the site that belongs to GCR Tires;
- They asked GCR to allow his client to put a sign on their pole, and they were not allowed to install on GCR's pole;
- There is 550' or 560' feet of road frontage, and a second sign would be allowed with 600' of road frontage so they are just short a little bit;
- He has read the staff report and is in agreement with staff recommendations.

The Chair asked if there were any questions from the Board. Hearing none, he asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, he 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 noted the following findings of fact for approval:

- 1) **Approving the variance request will not be contrary to the public interest given the fact that adequate signage for any business is necessary to both the business owner and customers;**
- 2) **Special conditions appear to exist, including the current site condition and lease agreement, 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 not approving the variance would result in a continued unnecessary hardship for the business owner and potential customers due to an insufficient amount of signage.**

The approval is subject to the following conditions:

- 1) **Obtainment of the proper permitting for any proposed signage and sign structures.**

The motion passed with Mr. Milling and Mr. Metcalfe recusing themselves from the case.

#5931

(Case #ZON2014-02170)

Wrico Signs

758 St. Michael Street

(Block bounded by St. Michael Street, North Bayou Street, St. Louis Street, and North Scott Street).

Sign Variance to allow a monument sign at an apartment building in the Downtown Development District; the Zoning Ordinance does not allow a monument sign in the Downtown Development District.

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 were present in support of the application:

- 1) Wade Wright, Wrico Signs, 3345 Halls Mill Road, Mobile, AL, spoke on his own behalf,
- 2) Morgan Coffey, 758 St. Michael Street, Mobile, AL, spoke on her own behalf, and
- 3) Patrick Coffey, 758 St. Michael Street, Mobile, AL, spoke on his own behalf.

They made the following points in support of the matter:

- When they came before the Board last month, there were concerns about there being three signs on the awning;
- All three of those signs have been removed;

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- Due to the Board's concerns, they have changed the material that they plan to use for the sign and pictures were passed around showing a similar sign done for Crown Products which was an aluminum sign painted with metal painted letters;
- They stated that Mr. Fred Rendfrey asked for a brick monument or faux brick to match the building;
- The base of the sign will be hidden by the bushes that are there and by using the product they presented (synthetic stucco), they wouldn't have to tear up the existing bushes to dig a footer and a pad.

The Chair asked if the appropriate groups had reviewed the material presented.

Mr. Hoffman stated that Urban Development's staff is responsible for enforcing the regulations which specifically state using real masonry material rather than any fake material. He didn't believe that the Consolidated Review Committee had the authority under the Downtown Development District regulations to waive the material requirement of that extent, so it would require another variance request for use of the proposed synthetic material in addition to the request for the monument sign itself.

Mr. Milling asked if the owners would be willing to do a real brick base instead of the faux brick.

Mr. Coffey, one of the owners of the building, stated that the biggest issue with going with real brick is that it would double the cost of the sign, and the brick won't be seen as it will be hidden by the shrubbery.

Mr. Milling stated that he was hoping from last month to this month to get a better sense of the design and the renderings presented don't provide that. He was also hoping to see a letter of support from the Downtown Alliance. His was concerned about staying consistent in the area and if the Board approves faux brick on the basis of shrubbery hiding it, the bushes could go away three years down the road.

Ms. Coffey stated that she agrees with preserving the integrity of the downtown area, and she thought that the reason Mr. Rendfrey considered the faux brick acceptable was because they could make it appear like the original building.

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

Jason Counts, 204 Morgan Avenue, Mobile, AL, spoke on his own behalf and stated that he works in an office below the apartments in the same building, and he thinks that it would make it easier for his clients to find his office if the sign were approved.

After discussion, a motion was made by Mr. Metcalfe, with second by Mr. Coleman, to holdover the request **to the January 5, 2015 meeting, to allow the applicant to revise the request to use compliant materials, and provide an illustration of the sign in a greater context. Any revised information should be provided to Planning staff by December 22, 2014.**

The motion passed unanimously.

PUBLIC HEARINGS:

#5933

(Case #ZON2014-02407)

Keooura Sanavong

1300 N. University Boulevard

(Southeast corner of University Boulevard and Overlook Road).

Sign Variance to allow a digital sign located 240' from R-1, Single-Family Residential property; the Zoning Ordinance does not allow digital signs within 300' of any residentially zoned property.

Council District 3

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.

Keooura Sanavong, 1300 N. University, Mobile, AL, spoke on his own behalf and made the following points in support of the matter:

- The proposed digital sign will be 240' from the nearest residential property, it will be facing away from the residential property, and the area between where the sign will be placed and the residential property is pretty dense with trees;
- The requested sign is a digital pricing sign and will not be flashing – it will only be changed maybe once a day;
- The sign will be placed on the fuel canopy.

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

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

The Board noted the following findings of fact for Approval:

- 1) approving the variance will not be contrary to the public interest in that the digital sign regulations are not, in the Board's opinion, applicable to fuel price signs;**
- 2) special conditions exist and there are hardships which exist, in that the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs, such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because proposed digital fuel price signs will not be a detriment to the neighborhood.**

Therefore, this application is recommended for approval, subject to the following conditions:

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- 1) submission of a sign permit application;
- 2) submission of an electrical permit; and
- 3) full compliance with all other municipal codes and ordinances.

The motion passed unanimously.

#5934/ 3275/ 3044

(Case #ZON2014-02332)

River Landing Investments, LLC

6808 Airport Boulevard

(Southeast corner of Foreman Road and Airport Boulevard)

Parking Ratio Variance to allow 71 parking spaces for a 14,837 square foot commercial/ restaurant building with 10,796 ± square foot commercial and 4,041 ± square foot of restaurant in a B-2, Neighborhood Business District; the Zoning Ordinance requires 77 compliant parking spaces for a 14,837 ± square foot commercial/ restaurant building in a B-2, Neighborhood Business District.

Council District 6

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.

Merrill Thomas, 6 Drury Lane, Mobile, AL, spoke on his own behalf and made the following points in support of the matter:

- The hardship with this site is that they have no way to add any more parking on this site – they have reviewed angling parking or removing trees, but it still wouldn't provide the necessary parking;
- He bought the property in 1997;
- It was a 12,300 square foot building with 3.5 per 1000 parking ratio with typical retail shops;
- He approached his neighbor to the west and acquired that property which is 18,000 square feet of land area;
- He added 2400 square feet to the shopping center and created 27 more parking spaces;
- They were not required to add more landscaping, but they did anyway to make it look nice;
- They were approached by the owners of Pour Baby who wanted to add a wine bar and serve tapas;
- They moved the business from another location in the shopping center to the end when the larger space came available, and they hope to expand into the gourmet olive oil shop location when the olive oil store moves into Pour Baby's previous location within the center;
- Pour Baby has a concept new to Mobile with dispensers for wine tasting;
- Tenant mix is important to shopping centers such as this one;
- They have not had a parking problem in the past, and they don't have a parking problem now due to some of the tenants having few clients at a time or having differing hours for the businesses;
- They are only six spaces short, and there are no neighbors that will be affected by this request.

The Chair asked if there were any questions from the Board. Hearing none, he asked if there was anyone present 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. Metcalfe, with second by Mr. Davis, to approve the above referenced matter.

After discussion the Board determined the following findings of facts for approval:

- 1) Based on the fact that the majority of the businesses within the development have operating hours which do not coincide with the applicant's business, the variance will not be contrary to the public interest;**
- 2) Special conditions exist, including the fact that there is no additional room on the property to expand the parking, 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 as it will allow an existing, established business to expand at its current location rather than have to find a new location with sufficient parking.**

The motion passed unanimously.

#5935

(Case #ZON2014-02374)

Angela Nicholson

1300 Dr. Martin Luther King Jr. Avenue

(Northwest corner of Live Oak Street and Dr. Martin Luther King Jr. Avenue).

Parking Ratio, Tree Planting and Landscaping Area Variances to allow a 3,232 square foot commercial/ restaurant building with no parking spaces and no tree plantings or landscaping in an B-2, Neighborhood Business District; the Zoning Ordinance requires 24 parking spaces, and 12% of the site being landscaped with 60% of that along street frontages, 4 frontage trees, and 4 perimeter trees and one parking tree.

Council District 2

The Chair announced the matter, advising it had been recommended for denial of the Parking Ratio variance and approval of the Tree planting and Landscape area variance. He advised the applicant should address the Board regarding the subject at that time.

The following people spoke in support of the request:

- 1) Angela Nicholson, 1300 Martin Luther King Avenue, Mobile, AL, spoke on her own behalf,
- 2) Thaddeus Reid, 1300 Chisholm Avenue, Mobile, AL, spoke on behalf of the applicant, and
- 3) Hildretta Nicholson, 1306 Chinquapin Street, Mobile, AL, spoke on behalf of the applicant.

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They made the following points in support of the matter:

- The hardship is that most of the businesses, churches, and some houses on MLK do not have parking areas – most people park on the side of or in front of the businesses, churches, or residences;
- Many people in this area do not have cars, maybe 50% do, and the rest ride buses, bikes or walk;
- There is a vacant church behind the premises as well as two vacant houses behind the premises that have been vacant for about 15 years;
- There is a beauty shop in the same building that uses street parking in the front, but the beauty shop closes before the billiard hall opens;
- There is another church on the other side, and the man who owns the lot on that side gave permission to use the church's parking lot, if needed, but most people walk;
- There will be no food prepared on site;
- The only food that they considered selling is canned drinks and pre-packaged snacks/chips;
- The building was previously used for years as Singleton's Convenience Store.

Mr. Metcalfe asked if there is no on-site parking, and most of the customers for these businesses park in the right-of-way, is it fair to say that no business could go in this space?

Mr. Hoffman stated that there was non-conforming use status for the convenience store, but since there was a snack bar discussed where food and beverages could be purchased to consume on-premises, whether pre-packaged or prepared onsite, this is what caused the parking ratio requirement to be increased and caused the need for the variance. The convenience store would have required 11 spaces, but now 24 spaces would be required based on the whole building, and she only rents half of the building. To his knowledge, the other half of the building is currently vacant. Mr. Hoffman agreed that this building can be used, under the non-conforming use, as a business that requires a 1:300 parking ratio.

Mrs. Nicholson stated that she had invested several thousand dollars in the building already and passed all other inspections. She was told she would need to put six pool tables in to cut down on the number of customers. She did ask for a pool hall and bar, but she didn't ask for food.

Mr. Davis stated that he was very familiar with the area, and what Mrs. Nicholson has stated regarding the parking and traffic is correct. The church that has the vacant lot beside it has always been the area where people park.

Mr. Coleman stated that he grew up in the area, and traditionally there has been no on-site parking, only on-street parking.

Mr. Milling asked how many people could be in the business at one time.

Mrs. Nicholson's architect said that there could be between 30-49 people; the City told her that she had to put in more pool tables so that if people came in and it was full, they would leave.

Mr. Guess asked if the fire department had given her an occupancy rating.

She said they originally told her 49, but after the additional pool tables were added, they reduced it to 35.

Mr. Milling and Mr. Guess asked for clarification if she intends to sell alcohol.

Mrs. Nicholson stated that she may decide to sell beer and wine, but not liquor. She has talked to the ABC Board, and it is properly zoned for the sale of alcohol. She wants somewhere for the young men and women in the neighborhood to come in off the street.

Mr. Milling expressed concern about adding a lot of traffic in the area where parking hasn't been a problem before and creating a problem by the difference in the type of business. Convenience store customers come and go, and the customers coming to the pool hall will come and stay.

Mr. Coleman agreed with Mr. Milling about the difference in the amount of time customers spend in the different type of business, but he stated that Mrs. Nicholson was correct in that most neighborhood people who will go to the pool hall will walk.

Hearing no further discussion, the Chair opened the floor for a motion.

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

PARKING RATIO

After discussion the Board determined the following findings of facts for approval:

- 1) Based on the fact that there historically has been little to no parking available for the existing commercial buildings along Dr. Martin Luther King, Jr. Avenue, the variance will not be contrary to the public interest;**
- 2) Special conditions exist, including the fact that there is no room on the site to accommodate any parking, 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 because it will ensure that a viable commercial use will occupy what might otherwise become a vacant, blighted building.**

TREE PLANTING AND LANDSCAPE AREA

Staff recommends to the Board the following findings of fact for approval of the Tree planting and Landscape area variance:

- 1) Based on the fact that the building has existed on the site since at least the 1960s and there is little to no existing green space available due to the existing building and sidewalks, the variance will not be contrary to the public interest;**
- 2) These special conditions exist, including the fact that the site is nearly entirely covered by the existing building and sidewalks, 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 as it will allow an existing building that has been part of the fabric of the community to continue to be available for commercial use.

The approval is subject to the following conditions:

- 1) Full compliance with all other municipal codes and ordinances, including any applicable building and fire codes.

The motion passed unanimously.

#5936/ 5688

(Case #ZON2014-02415)

Caracher Small Jr.

953 Marine Street

(Southeast corner of Marine Street and Kentucky Street).

Use Variance to allow a reception hall associated with an adjacent funeral home in a R-1, Single-Family Residential District; the Zoning Ordinance does not allow a reception hall 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 should address the Board regarding the subject at that time.

Jerry Byrd, Byrd Surveying Company, 2609 Halls Mill Road, Mobile, AL, spoke on behalf of the applicant and made the following points in support of the matter:

- Mr. Small owns a mortuary that faces Broad Street;
- They previously had a variance that allowed them to use parking in a residential area;
- There are two houses on the property behind there;
- Mr. Small lives in one house which he has renovated;
- The other house is in poor condition, and it isn't feasible to repair it;
- Mr. Small wants to remove the dilapidated house and build a reception hall and repast center to be used in conjunction with his mortuary business;
- The proposed building would basically be a shell of a building with restrooms and some counter space on one or two walls where food could be set out;
- They would use removable tables and chairs for any events;
- The customers would use the same parking for the mortuary and the reception hall;
- The building would only be available three days per week, the hours of operation would end at 8:00, and Mr. Small lives next door so he would be aware of what's going on;
- They are in agreement with staff recommendations.

The Chair asked if there were any questions from the Board. Hearing none, he asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, he 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 given the commercial nature of the site and if precautions are undertaken to limit the hours of operation and number of operating days per week;**
- 2) Special conditions appear to exist, including the current site conditions and R-1 zoning, 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 with the provision of necessary waste disposal facilities.**

The approval is subject to the following conditions:

- 1) Use of the facility to be limited only to the adjacent mortuary business;**
- 2) Hours of operation not to exceed 8:00 P.M.;**
- 3) Facility's use to be limited to a maximum 3 days per week;**
- 4) Full compliance with the dumpster requirements in Section 64-4.D.9. of the Zoning Ordinance, or removal of the dumpster from the site;**
- 5) Provision of a compliant tree and landscape plan at time of any land disturbance request for the facility;**
- 6) Revision of the site plan to illustrate to depict a compliant number of accessible spaces adjacent to the proposed facility, and design compliance with the requirements of the ADA, in accordance to the applicable building code section 1106 (and 2010 ADA Standards for Accessible Design);**
- 7) Modification of existing site lighting, through redirection and/or shielding, to not shine onto any adjacent residences;**
- 8) All new lighting on the site to comply with the requirements of Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance;**
- 9) Compliance with Traffic Engineering comments: (With the restriction of use to be only associated with the adjacent mortuary service, no additional traffic impacts anticipated by this variance request.);**
- 10) Compliance with Fire Department 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.);**
- 11) Obtainment of a demolition permit for the removal of the structure, prior to any requests for new construction;**
- 12) Submission of a revised site plan to the Planning Division of the Urban Development Department; and**
- 13) Full compliance with building and fire codes.**

The motion passed unanimously.

#5937

(Case #ZON2014-02189)

Cellular South Real Estate

1621 Virginia Street

(Southeast corner of Lott Street and Virginia Street)

Height, Setback, Residential Buffer, Parking Surface, and Tree Planting Variances to allow a 152' monopole telecommunications tower setback 5'-10" from a lease parcel line and 159' from residential property, with a gravel access drive and parking, and no tree plantings in a B-3, Community 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 (228'), with paved access and parking surfaces, and with one tree per every 30' of lease parcel perimeter, in a B-3, Community Business District.

Council District 2

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

Brooks Milling, Hand Arendall, 11 N. Water Street, Mobile, AL spoke on behalf of the applicant and stated that Cellular South Real Estate is affiliated with C-Spire. He made the following points in support of the matter:

- At the November Planning Commission meeting, their case was heldover in order to explore the possibility of moving the proposed site from the southeast corner of the Ladd Stadium property a few hundred feet to the west;
- Cellular South has a lease with the City on this property, and Cellular South has no problem moving the tower site to the west, but the issue is with the City and Ladd Stadium and how it impacts them;
- If they are able to change the lease and move the tower over, it will change the variance application, so they are requesting that the case be heldover until they get that resolved.

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

The following people spoke in opposition to the matter:

- 1) Dorothy Hollingshead, 369 Tuttle, Mobile, AL, spoke on her own behalf and on behalf of her mother, Ethel Burns who lives at 364 Gordon Street, Mobile, AL;
- 2) Aleada Nicholson, 1615 West Avenue, Mobile, AL, spoke on her own behalf;
- 3) Robert Nicholson, 1615 West Avenue, Mobile, AL, spoke on his own behalf.

They made the following points in opposition to the matter:

- The current proposed location of the tower is right outside their door, and if they move it to the west it will be better for Ms. Hollingshead and Ms. Burns;

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- Ms. Nicholson drove around yesterday and looked at all the cell towers in the area, and she noted several in the area and didn't understand why they couldn't locate the tower in an industrial area instead of right in the middle of a residential area near a school;
- The emissions from the tower are a health concern for the residents;
- There are a lot of hurricanes in our area that could threaten safety;
- They are concerned about the lowering of property values in the neighborhood;
- If the tower is moved to the west, it will be closer to Ms. Nicholson's home, so she doesn't agree with that being a better solution;
- Maysville, Leinkauf, and the Ladd Peebles Stadium sites are historical districts, and they don't see any cell towers being located in any other historical districts.

Mr. Coleman asked if they explored using former cell tower sites within the same geographic area.

Mr. Brooks Milling stated that when the case is brought before the Board again, he will have a representative of the company come to speak about the specific engineering requirements and the propagation maps.

Mr. Coleman was concerned about weather and wind during storm seasons.

Mr. Guess wondered if they could use any of the stadium light towers at Ladd Stadium.

Mr. Brooks Milling stated that he thought the issue there was structural; he thought that those structures couldn't support the weight.

Mr. Guess was concerned also about flightpaths for flyovers and entertainment groups at the stadium.

Mr. Brooks Milling stated that they would have to get FAA approval as well. He also stated that he would speak to the residents if they would stay afterward.

A motion was made by Mr. Metcalfe, with second by Mr. Coleman, **to hold the matter over until the February 2, 2015 meeting as the Planning Commission has held their associated cases over until January 15, 2015, and as the location of the tower may change due to the Commission's request to consider other locations, with any revisions to be submitted as soon after the January 15, 2015 Planning Commission meeting as possible.**

The motion passed with Mr. Milling recused.

APPROVAL OF MINUTES:

January – May 2014

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

OTHER BUSINESS:

- 1) Findings of Fact – Mr. Hoffman stated that the Board members needed to be sure to complete the findings of fact forms because the letters of decision are based on the findings of fact and when the Board differs from the staff recommendations, it would help to have that of record in the future for legal purposes.
- 2) Staffing transition – Mr. Hoffman stated that the Planning staff attending both the Planning Commission meetings and the Board of Zoning Adjustment meetings will be changing. Ms. Carla Davis will, over time, become the lead planner over the Board of Zoning Adjustment. She will be supported by a Planner I. This change will occur in the next few meetings, but Mr. Hoffman will still be in attendance for the next few meetings.
- 3) Mr. Hoffman advised the Board that Planning Staff did attempt to contact each applicant on today's agenda, at the Board's request, so that they would be aware of the staff recommendations concerning their cases prior to coming to the meeting.

With there being no further business before the Board, the meeting was adjourned at 3:30 PM.

APPROVED: April 6, 2015



Chairman of the Board

/lw