BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF JANUARY 5, 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
MaryBeth Bergin, Traffic Engineering

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 1:58 PM.
#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.

Wade Wright, Wrico Signs, 3345 Halls Mill Road, Mobile, AL, spoke on his own behalf and made the following points in favor of the request:

- They adjusted the artwork from what was previously presented after working with the owners and the Downtown Alliance to come up with something they felt like the Board would approve;
- The sign is made out of aluminum and is painted to match the building;
- The monument has something of a retro look;
- The sign will actually be in a 10” deep box with ¼” plate aluminum letters mounted to the sign.

The Chair asked if there were any questions from the Board. He added that the Board had a note that Mr. Fred Rendfrey of the Downtown Alliance had submitted this proposal to the President to review.

Mr. Fred Rendfrey, Downtown Mobile Alliance, 261 Dauphin Street, Mobile, AL, spoke on behalf of the Downtown Mobile Alliance and stated that they received the final artwork last week when they had a skeleton crew. They weren’t able to process an official letter of support for the project, but the applicant, designer, and contractor have been very flexible and willing to take feedback and come up with a new proposed design. While he doesn’t have an official letter of support, he hopes that lack of opposition helps the Board and the applicant to determine the best course of action.

The Chair asked if there was anyone else present in the audience in favor of the application. Hearing none, he asked if there was anyone present in opposition to the matter. Hearing none, the Chair opened the floor for a motion.

A motion was made by Mr. Milling, with second by Mr. Coleman, to approve the above referenced matter.
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The Board made the following findings of fact for Approval, and approved the request according to the revised proposal:

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 motion passed unanimously.

PUBLIC HEARINGS:

#5938
(Case #ZON2014-02559)
Orin Robinson Victor Sign Co.
3500 Knollwood Drive
(Southwest corner of Knollwood Drive and Girby Road, extending to the east side of Arrington Drive).
Sign Variance to allow an LED digital pricing sign on a double-faced freestanding sign structure located 95’ ± from the nearest residentially zoned property; the Zoning Ordinance does not allow digital signs within 300’ of any residentially zoned property.
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.

Orin Robinson, Victor Sign Company, 5000 Whitworth Road, Mobile, AL, spoke on his own behalf and made the following points in support of the matter:

- They are requesting a sign variance to allow for digital pricers on a new pylon sign for the Circle K at this location;
- The existing pylon sign has manual pricers, and it will be completely removed;
- The existing sign doesn’t comply with the right of way setback, so they will correct that problem as well with the new sign;
- The sign will only contain gas prices, will not flash, and will only be changed when the gas prices change.

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

The Board determined the following findings of fact for approval:
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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 (the applicant would not be allowed to use the latest pricing display technology, and 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 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:

1) submission of a sign permit application;
2) obtaining of an electrical permit;
3) removal of the existing non-compliant sign;
4) location of the new sign to be compliant with the required front property line setback; and
5) full compliance with all other municipal codes and ordinances.

The motion passed unanimously.

#5939
(Case #ZON2014-02566)
Caskey Petroleum Equipment Repair & Maintenance Inc.
1751 Riverside Drive
(Southwest corner of Riverside Drive and Club House Road).
Front Yard Setback, Tree and Landscape Variances to allow a 24’ X 30’ gas pump canopy to extend 4.1’± within the front yard setback with no trees and landscaping in an R-1, Single-family Residential District; the Zoning Ordinance requires a minimum 25’ front setback for all structures higher than 3’ tall and full compliance with tree and landscaping requirements when the total gross floor area of existing structures is increased or decreased by 50 percent.
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.

Linda Burkett, owner/general manager for Marshal A. McLeod Professional Land Surveyors, 30 Hannon Avenue, Mobile, AL, spoke on behalf of the applicant and stated that they were 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 favor or in opposition to the matter.

Tawfiq Alisebayee, owner of the business, 1759 Riverside Drive, Mobile, AL, spoke on his own behalf and stated that this site has been a gas station for a long time, and their canopy was
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knocked off by the wind. They are trying to install a new one the proper way to be in compliance with the City of Mobile, and they will use a licensed installer. He hoped the Board would approve his request. He is in agreement with the staff recommendations as well.

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

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 given the commercial nature of the site and the proposed canopy would not appear to cause any traffic impacts;
2) Special conditions appear to exist, including the current site conditions and R-1 zoning and the existing lot's configuration, 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 the extended canopy would seem to provide additional covering from the elements.

The approval is subject to the following conditions:

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

The motion passed unanimously.

#5940/5879/4504/2211
(Case #ZON2014-02567)
Wrico Signs, Inc.
2306 & 2308 Airport Boulevard
(North east corner of Airport Boulevard and Morgan Street).

Sign Variance to allow 2 LED digital pricing signs and 1 additional wall sign on a gas pump canopy at a multi-tenant commercial site in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow digital signs within 300’ of any residentially zoned property and allows one wall sign per tenant, in a B-2, Neighborhood Business District.

Council District 1

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) Wade Wright, Wrico Signs, 3345 Halls Mill Road, Mobile, AL, spoke on his own behalf, and
2) Damudora Kunche, owner of Sai Quick Mart, 2306 Airport Boulevard, Mobile, AL, spoke on his own behalf.
They made the following points in support of the matter:

- They are asking for the LED pricing changers in addition to being able to put the brand of gas on the canopy;
- This is a multi-tenant location - Little Caesar's next to him has a wall sign, and he has a wall sign for the Quick Mart, but there is nowhere to put the Mystik brand of gas that he sells;
- Because the lot is so narrow, there is nowhere to safely put a freestanding sign;
- The LED display itself is informational only, and the size is appropriate for approval. The variance is required for the LED pricing changers because there are some residential properties behind the station, but the sign will not be visible to the residents from their houses or yards. The canopy is 18' high to the top, so manually changing a pricing sign would require the person to stand in the incoming customer traffic and would be a safety hazard;
- They are requesting signs on the east and west corners.

Mr. Metcalfe asked if the old Circle K sign was still there.

Mr. Kunche stated that they removed it as it was in way where customers couldn't maneuver to get to the gas pumps.

Mr. Metcalfe noted that the Board approved a variance a few months ago for the canopy to extend over into the right of way.

Mr. Kunche stated that they requested the canopy to be 24' by 36' and the Board approved 16' by 36'.

Mr. Anderson asked for verification that there was no other pricing sign on the premises.

Mr. Metcalfe asked if there was no other branding sign on the premises.

Mr. Hoffman replied that there was neither a pricing or branding sign. He further stated that the site plan shows that the gas pumps are on the inside of the support posts, but the pumps are actually on the outside of the support posts. The freestanding sign that had manual pricing signs was removed.

Mr. Metcalfe asked why staff would recommend denial of this request in light of the other LED price changers they have been approving.

Mr. Hoffman replied that the business owner decided to remove the sign; it was not a requirement of the City, so they created the hardship of putting pricing signs on the canopy. Had they put the sign on the existing post, it probably would have been approved, but putting the sign on the canopy causes it not to comply with the setback and distance requirements.

The Chair asked if the sign would be fixed with no other information.

Mr. Wright stated that was correct except that it would say "unleaded."
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The Chair asked if there were any questions from the Board. Hearing none, he asked if there was anyone present in favor or in opposition to the matter. Hearing none, he opened the floor for a motion.

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

The Board determined the following findings of fact for Approval, and approved the request:

1) Based on the Board’s determination that the digital sign regulations do not apply to fuel pricing signs and the need to advertise the brand of fuel being sold, the variance will not be contrary to the public interest;
2) Special conditions exist, including the fact that the freestanding identification and pricing sign had to be removed in order to provide adequate access, 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 motion passed unanimously.

#5941
(Case #ZON2014-02578)
Gary D.E. Cowles
464 St. Michael Street
(Northeast corner of St. Michael and N. St. Lawrence Streets).
Site Variance to allow a 6’ high chain link fence along the front property line on a lawn frontage in the Downtown Development District; the Zoning Ordinance allows a maximum height of 4’ for a fence along the front property line on a lawn frontage in the Downtown Development District.
Council District 2

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.

Gary Cowles, Cowles, Murphy and Glover, 457 St. Michael Street, Mobile, AL, spoke on his own behalf and stated that he is in agreement with staff recommendations.

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

Mr. Metcalfe asked what the lot would be used for.

Mr. Cowles replied that it is a sodded lot, and they have a dog pen on the lot. They keep their dogs there while they work, and the fence would keep out pedestrian and transient traffic and allow them to let the dogs out in the yard periodically.
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The Chair asked if there was anyone present 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. Reilly, 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 fence will not cause a line of sight issue for drivers and is constructed of a Downtown Development District compliant material;
2) special conditions appear to exist, such as the dog must be contained within a high enough fence to prevent possible contact with pedestrians, that a 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 the proposed fence will serve as a protective barrier for the dog and pedestrians.

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

1) submission of an after the fact building permit;
2) no screening may be added around the chain link fence that would possibly create a line of sight issue in the future; and
3) full compliance with all other municipal codes and ordinances.

The motion passed unanimously.

#5942
(Case #ZON2014-02580)
Goodwyn, Mills & Cawood / Attn: Tracy Bassett
101 Dauphin Street
(Southwest corner of Dauphin and Royal Streets).
Sign Variance to allow 1 logo wall sign, 2 hanging blade signs and 2 backlit upper building signs for a total of 161 sf. of signage on a multi-tenant office building with 2 previously approved upper building signs in the Downtown Development District; the Zoning Ordinance allows hanging blade signs a maximum 10 sq. ft. per face, a maximum of 2 upper building signs with external illumination and does not allow logo wall signs in the Downtown Development District.
Council District 2

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.

Tracy Bassett, Goodwin, Mills & Cawood, Lakeview Center, 2660 Eastchase Lane, Montgomery, AL, spoke on his own behalf as representative of Retirement Systems of Alabama. He made the following points in support of the matter:
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- They are in agreement with staff recommendations;
- They have gotten approval from the ARB;
- He described the location, type, purpose, method of illumination and mounting for each sign request submitted with the application;
- The ATM sign was not approved by ARB. He talked with Cart Blackwell about it, and Mr. Blackwell didn’t think it would be a problem. Mr. Bassett thought that the ARB just hadn’t been presented with such a sign in a historical district before, and at that point, they weren’t ready to submit that to the ARB.

Mr. Coleman asked how many floors BBVA will occupy in the building.

Mr. Bassett stated that BBVA will have the main floor/lobby, the second and third floors, and they will have some access to the mezzanine floors.

Mr. Coleman asked how ARB approval will be affected when other tenants come into the building.

Mr. Hoffman stated that the only sign currently that doesn’t have a tenant name on it is the hanging blade sign on the Dauphin Street frontage. Any new tenant may be looking to have their signage there or, under the Form-Based Code, they may be able to have it along Royal Street or along the front of the building, subject to Architectural Review Board approval. If it is within the size limitations of the Downtown Development District regulations, they would not need to come before the Board.

Mr. Metcalf asked if this building will have colored LED lights like the other RSA building and the Trustmark tower.

Mr. Bassett stated that there will be some lighting on building perimeter for the cornice piece - up in the coffers. The signage on the Van Antwerp building will have back lit and color capability.

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

A motion was made by Mr. Metcalf, 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 as all of the proposed signs have been granted approval by the City of Mobile’s Architectural Review Board (ARB) and the fact that adequate signage for any business is necessary to both the business owner and customers alike;
2) Special conditions appear to exist, including the buildings size, location within a downtown environment, and prior ARB signage approvals, that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
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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 an unnecessary hardship for the business owner and potential customers due to an insufficient amount of identifying signage.

The approval is subject to the following conditions:

1) Obtainment of the proper sign-related permitting for all proposed signage and the four (4) previously approved upper building signs.

The motion passed unanimously.

#5943/5732/5632
(Case #ZON2014-02639)
Mobile Area Chamber of Commerce
451 Government Street
(Block bounded by Government, Hamilton, Church, and S. Lawrence Streets).

Appeal of the Architectural Review Board denial to allow two (2) 25’ X 10’ wall banners; the Zoning Ordinance states that any person aggrieved by a decision of the review board may, within fifteen (15) days thereafter, appeal such decision to the Board of Zoning Adjustment.

Council District 2

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 favor of the matter:

1) Yoko Allen, 451 Government Street, Mobile, AL, spoke on behalf of the applicant, and
2) Susan Rak-Blanchard, 451 Government Street, AL, spoke on behalf of the applicant.

They made the following points in support of the matter:

- They appealed the ARB’s denial to allow the 25’ by 10’ banners on the wall because they did receive a permit for these banners in 2011 and because they do not obscure architectural features;
- The size of the banners appeal proportionately to the size and features of the building and neighboring structures;
- The banners would be placed on the front of the building which is the Government Street side.

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

Mr. Metcalfe asked if the banners approved previously were gone.

Ms. Allen stated no, but the proposed banners would be nearly identical to the existing banners.

Mr. Metcalfe asked staff to verify if the previous approval had expired.
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Mr. Hoffman stated that all previous approvals expired, possibly as much as over a year ago, but to his knowledge the signs were still up.

Ms. Rak-Blanchard stated that they were unaware that the permit had expired. They have had some staffing changes, and that is a detail that slipped by them.

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

Keri Coumanis, Assistant City Attorney, 1741 Hunter Avenue, Mobile, AL, spoke on behalf of the ARB. She stated that staff approved the banners, but the ARB had strong feelings that the banners impaired the historic integrity of the surroundings. However, the staff report notes that the design of the signage is compatible with the architectural design of the building. Under the guidelines, banners are not allowed and that appeared to be an issue at the meeting.

Devereaux Bemis, City of Mobile Historic Development, 205 Government Street, Mobile, AL, spoke on behalf of the ARB and stated that the guidelines for the Review Board state that this type of signage is not appropriate for the district. The Chamber was given approval to hang banners for a year for their anniversary, and the expiration wasn’t monitored. These types of signs are generally not maintained very well – they become tattered and torn, but that has not the case with the banners in front of the Chamber of Commerce. He thought that the Board had to stick by their guidelines, not that they necessarily wanted to tell the applicant no. He thought that the purpose was to prevent beer banners from being put up every week, and there are a number of historic buildings where this would not be appropriate.

Ms. Allen stated that there is also a large tree that obscures visibility for their building, and the building sits 200’ feet back off Government Street, so they need people to be able to see the large white banners.

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

A motion was made by Mr. Reilly to approve the above referenced matter, and the motion was seconded.

The Board approved the appeal of the Architectural Review Board’s decision, subject to the following condition:

1) the approval by the Board of Zoning Adjustment of the applicant’s associated Sign Variance request to allow the two wall banners.

The motion passed unanimously.

#5944/5732/5632
(Case #ZON2014-02587)
Mobile Area Chamber of Commerce
451 Government Street
(Block bounded by Government, Hamilton, Church, and S. Lawrence Streets).
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Sign Variance to allow two (2) 25’ X 10’ wall banners and eight (8) 3’ X 2’ gas light post
banners in the Downtown Development District; the Zoning Ordinance does not allow
banners in the Downtown Development District.
Council District 2

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.

Susan Rak-Blanchard, Mobile Area Chamber of Commerce, 451 Government Street, Mobile,
AL, spoke on behalf of the applicant and made the following points in support of the matter:

- Should the Board approve their request, they plan to have the current banners removed,
  and they will have new banners that are exactly the same printed by Lamar Advertising
  and rehung;
- The lamp post banners have been approved by the ARB.

After discussion, the Chair opened the floor for a motion.

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

The Board determined the following findings of facts for approval:

1) Based on the fact that the site is the headquarters for an organization which
   promotes the economic enhancement of a community in general and not a specific
   business, the variance will not be contrary to the public interest;
2) These special conditions (the Downtown Development District Signage Standards
   make no reference to allowing banners, nor do the Standards specifically disallow
   banners) 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 in that the
   banners will serve to promote the activities of an organization devoted area-wide
   enhancement.

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

1) the banners are allowed for the period of January 2015 to December 2017;
2) the approval by the Board of Zoning Adjustment of the appeal of the Architectural
   a. Review Board’s denial of the wall banners; and
3) full compliance with all other municipal codes and ordinances.

The motion passed unanimously.

APPROVAL OF MINUTES:

June – September, 2014
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A motion was made by Mr. Metcalfe, with second by Mr. Guess, to approve the above referenced minutes.

OTHER BUSINESS:

Mr. Metcalfe asked staff if the City was considering amending the digital sign ordinance as it relates to informational pricing changers as they have had multiple applications of this sort. It seems to be a waste of everyone’s time to continue to have such requests for review that everyone agrees was not the intent of the ordinance.

Mr. Hoffman stated that they have not looked at amending the sign regulations in this respect.

Mr. Anderson stated that he was told by the City Attorney that they are looking into such an amendment in the Downtown Development area.

Mr. Guess asked if they could send a formal request from the Board to the City to consider such an amendment for on-premise digital pricing signage.

Mr. Hoffman stated that they could make such a request. He further stated that they are looking to amend the Downtown Development regulations to address some of the sign issues they have faced in that area.

With there being no further business before the Board, the meeting was adjourned at 2:43 PM.

APPROVED: July 6, 2015

Chairman of the Board