

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**MEETING OF DECEMBER 8, 2003 - 2:00 P.M.**  
**MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM**

**MEMBERS PRESENT**

Reid Cummings, Chairman  
Richard Collier  
H. Lamar Lee  
Stephen J. Davitt, Jr.

**MEMBERS ABSENT**

Rev. Clarence Cooke  
Vandlyn Pierre  
Edley Hubbard (S)

**STAFF PRESENT**

Margaret Pappas, Planner II  
Frank Palombo, Planner I  
Jennifer L. Henley, Secretary II

**OTHERS PRESENT**

David Roberts, Traffic Engineering  
David Daughenbaugh, Urban Forestry

Chairman Cummings noted the number of members present constituted a quorum and called the meeting to order.

The notation *motion carried unanimously* indicates a consensus, with the Chairman voting.

**APPROVAL OF MINUTES:**

A motion was made by Mr. Collier and seconded by Mr. Davitt to approve the minutes of the meeting November 3, 2003, as submitted. The motion carried unanimously.

**PUBLIC HEARINGS:**

**#5215**

**(Case #ZON2003-02696)**

**MLK Development Corp. (Michael Pierce, Agent)**

(West side of Lexington Avenue, 539' ± North of Congress Street)

**Front Yard Setback Variance to allow a new dwelling unit to be constructed 8' from the front property line in an R-1, Single-Family Residential District; a minimum front yard setback of 25' is required in an R-1, Single-Family Residential District.**

*The plan illustrates the proposed building, along with the proposed 8' front yard setback.*

(Also see #5216/Case #ZON2003-02697 - **MLK Development Corp. (Michael Pierce, Agent)** – Below; and #5217/Case #ZON2003-02698 - **MLK Development Corp. (Michael Pierce, Agent)** – Below)

**December 8, 2003**

Mr. Michael Pierce of 6429 Cherry Ridge Drive, was present as agent for the applicant, MLK Development Corporation. Mr. Pierce stated that they were trying to come into compliance with some requirements of the Historic Development Commission in a section of the MLK community that still had a number of homes that were built in the 1930s and 1940s. The setback would normally be 25', but the existing homes were closer to the street than this and the Historic Development Commission had asked that they apply for a variance to move the setback to 8' for these three sites. He asked that the applications be approved so they could move forward with development.

Mr. Collier inquired if the homes were setback and they were asking to move them forward.

Mr. Pierce said that the subject sites were vacant. A typical front yard setback was 25', but given where the homes were being built and the fact that they were using federal funds, the Historic Development Commission asked them to bring them closer to the street.

Mr. Collier inquired if this would be more in line with the existing homes.

Mr. Pierce replied yes. He said that the three sites on the agenda were adjacent to one another and they were asking for the same thing on all three.

There was no one present in opposition.

A motion was made by Mr. Collier and seconded by Mr. Davitt to approve the request for a Front Yard Setback Variance to allow a new dwelling unit to be constructed 8' from the front property line in an R-1, Single-Family Residential District at the above referenced location.

Mr. Davitt inquired if any trees would be required with approval.

Mr. Daughenbaugh said that trees would not be required because the property was residential. He stated that the sketch showed some type of landscaping, but he was unsure what it would be.

Mr. Pierce said that the lots were currently wooded and they would try to save as many trees as possible. They would only be clearing enough trees to have the required buildable area.

The question was called. The motion carried unanimously.

**#5216**

**(Case #ZON2003-02697)**

**MLK Development Corp. (Michael Pierce, Agent)**

(West side of Lexington Avenue, 489' ± North of Congress Street)

**Front Yard Setback Variance to allow a new dwelling unit to be constructed 8' from the front property line in an R-1, Single-Family Residential District; a minimum front yard setback of 25' is required in an R-1, Single-Family Residential District.**

*The plan illustrates the proposed building, along with the proposed 8' front yard setback.*

**December 8, 2003**

(For discussion see #5215/Case #ZON2003-02696 - **MLK Development Corp. (Michael Pierce, Agent)** – Above; also see #5217/Case #ZON2003-02698 - **MLK Development Corp. (Michael Pierce, Agent)** – Below)

A motion was made by Mr. Collier and seconded by Mr. Davitt to approve the request for a Front Yard Setback Variance to allow a new dwelling unit to be constructed 8' from the front property line in an R-1, Single-Family Residential District at the above referenced location.

The motion carried unanimously.

**#5217**

**(Case #ZON2003-02698)**

**MLK Development Corp. (Michael Pierce, Agent)**

(West side of Lexington Avenue, 440' ± North of Congress Street)

**Front Yard Setback Variance to allow a new dwelling unit to be constructed 8' from the front property line in an R-1, Single-Family Residential District; a minimum front yard setback of 25' is required in an R-1, Single-Family Residential District.**

*The plan illustrates the proposed building, along with the proposed 8' front yard setback.*

(For discussion see #5215/Case #ZON2003-02696 - **MLK Development Corp. (Michael Pierce, Agent)** – Above; also see #5216/Case #ZON2003-02697 - **MLK Development Corp. (Michael Pierce, Agent)** – Above)

A motion was made by Mr. Collier and seconded by Mr. Davitt to approve the request for a Front Yard Setback Variance to allow a new dwelling unit to be constructed 8' from the front property line in an R-1, Single-Family Residential District at the above referenced location.

The motion carried unanimously.

## **OTHER BUSINESS:**

### **Meeting Format**

Mr. Cummings said that there had been mention of doing away with executive session as a matter of order and instead, as each agenda item was presented, it would be discussed and voted on by the Board before moving onto the next agenda item. He stated that he would like to put this matter on the agenda for discussion.

Ms. Pappas said that they could take it as an agenda item at the next meeting. She stated that in the meantime she would have legal counsel look to see if this would require a by-law amendment or not. The next meeting was January 12, 2003.

There being no further business, the meeting was adjourned.

**December 8, 2003**

**APPROVED:**            January 12, 2004

/s/ Chairman of the Board

/jh