

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**MEETING OF JANUARY 12, 2004 - 2:00 P.M.**  
**MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM**

**MEMBERS PRESENT**

Reid Cummings, Chairman  
Richard Collier  
Rev. Clarence Cooke  
H. Lamar Lee  
Stephen J. Davitt

**MEMBERS ABSENT**

Edley Hubbard (S)  
Vandalyn Pierre

**STAFF PRESENT**

Frank Palombo, Planner I  
Rose Murphy, Secretary II

**OTHERS PRESENT**

David Roberts, Traffic Engineering  
David Daughenbaugh, Urban Forestry  
Wanda Cochran, Assistant City Attorney

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. Davitt and seconded by Mr. Collier to approve the minutes of the meeting December 8, 2003, as submitted. The motion carried unanimously.

**HOLDOVER:**

**#5212**

**(Case #ZON2003-02416)**

**William G. Anderson**

**1107 Dauphin Street**

(South side of Dauphin Street, 150' ± West of South Hallett Street)

**Parking Ratio, Parking Surface and Access/Maneuvering Variances to allow the conversion of an existing residential (3129 square foot) dwelling to a professional office, to allow 5 on-site parking spaces, an aggregate surface parking lot, and a substandard (7.5') width driveway; the Zoning Ordinance requires 11 on-site parking spaces, parking to be asphalt, concrete or an approved alternative paving surface, and a 12' wide drive is required for a one-way drive in a B-2, Neighborhood Business District.**

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*The site plan illustrates the existing buildings, parking area, drives, concrete, and existing setbacks.*

Mr. Jim Jeffries, Attorney, stated that he was a tenant of the subject property, not the property owner. He went on to say that there were currently seven parking spaces on the property. Mr. Jeffries referred to the file map and noted that the adjoining property had approximately 25 to 30 parking spaces. He said they had a verbal agreement with the adjoining property owner to use those parking spaces as needed. He went on to say that there were only three employees in the subject structure, and he felt seven parking spaces were adequate.

Mr. Cummings asked if the adjoining property was to the east or west of the subject property.

Mr. Jeffries said to the west.

Mr. Cummings asked if there was fencing between the properties.

Mr. Jeffries said there was a wooden fence, and that he had arranged to have a gate installed to allow passage from the adjoining parking lot. There would be no vehicular traffic across the property lines.

Mr. Cummings asked if a written agreement for use of the adjoining property for parking could be obtained.

Mr. Jeffries said yes. He went on to say that parking had not been a problem in the six months they had occupied the site. He felt that an aggregate parking surface was appropriate for this area of town. He noted that the property to the east had an aggregate parking surface.

Mr. Cummings asked how long the building had been used as an office.

Mr. Jeffries was not certain. He and his partner occupied the building in July 2003. When they applied for a business license they learned the building had never been used as a business.

Mr. Collier asked if it was possible to install wheel stops to delineate the existing parking spaces.

Mr. Jeffries said yes.

Mr. Michael Sherman, Attorney and law partner stated that the property owner had indicated the building was never used as a business. The last known use was as a duplex residential apartment.

There was no one present in opposition.

In discussion, Mr. Collier noted that the situation with substandard driveways in this area had been dealt with previously and that the Board typically granted relief for use of the substandard driveway.

Mr. Palombo suggested that requiring an Administrative PUD be placed as a condition of approval.

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A brief discussion centered on whether a restrictive agreement between the tenants of the subject property and the adjoining property owner was appropriate. It was felt that such an agreement should not be imposed on the adjoining property owner.

A motion was made by Mr. Collier and seconded by Mr. Davitt to approve the request for Parking Ratio, Parking Surface and Access/Maneuvering Variances to allow the conversion of an existing residential (3129 square foot) dwelling to a professional office, to allow up to 7 on-site parking spaces, an aggregate surface parking lot, and a substandard (7.5') width driveway subject to the following condition:

- 1) provision of wheel stops to delineate parking spaces.

The motion carried unanimously.

**EXTENSION:**

**#5188**

**(Case #ZON2003-01193)**

**Steve and Rhonda Reed**

**101 Hillwood Road**

(East side of Hillwood Road, 175' ± South of Vickers Place, extending to McGregor Avenue)

**Fence Height Variance to allow the construction of an 8' masonry wall on the front property line (McGregor Avenue); a 25' front yard setback is required from the front property line for a wall or fence higher than 3-feet in an R-1, Single-Family Residential District.**

*The plan illustrates the existing and proposed structures.*

Mr. M. Don Williams, Williams Engineering, Inc., represented the applicant and stated that they were requesting a six-months extension of a previous approval.

There was no one present in opposition.

A motion was made by Mr. Collier and seconded by Mr. Lee to approve the request for a six months extension of a previous approval of a Fence Height Variance to allow the construction of an 8' masonry wall on the front property line (McGregor Avenue).

The motion carried unanimously.

**PUBLIC HEARINGS:**

**#5218**

**(Case #ZON2003-02718)**

**E & S Properties, Inc.**

**1950 East I-65 Service Road North**

(East side of East I-65 Service Road North, 1/3 mile ± North of First Avenue)

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**Parking and Access/Maneuvering Surface Variances to allow aggregate parking and access/maneuvering areas in an I-1, Light Industrial District; parking and access/maneuvering areas must be asphalt, concrete or an approved alternative paving surfaces are required in I-1, Light Industrial Districts,**

*The plan illustrates the existing structure and concrete, along with the proposed outside storage facility and crushed stone.*

Ms. Tiffanie Ezell represented the applicant and stated that there was an existing building on the subject property, and they wanted to place an aggregate parking surface for use by Thompson Tractor. The area would be used to park heavy equipment.

Mr. Cummings asked if the applicant had reviewed the staff recommendations.

Ms. Ezell had not, but concurred after Mr. Cummings read them aloud.

There was no one present in opposition.

A motion was made by Mr. Davitt and seconded by Mr. Collier to approve the request for Parking and Access/Maneuvering Surface Variances to allow aggregate parking and access/maneuvering areas in an I-1, Light Industrial District subject to the following conditions:

- 1) the curbing or delineation of the aggregate parking area; and
- 2) full compliance of the landscaping and tree regulations of the Zoning Ordinance.

The motion carried unanimously.

**#5219**

**(Case #ZON2003-02813)**

**Vernon Humphrey**

**4401 Government Boulevard**

(South side of Government Boulevard, 650' ± West of Knob Hill Drive)

**Parking Surface Variance to allow an aggregate parking area in a B-3, Community Business District; parking areas must be asphalt, concrete or an approved alternative paving surfaces are required in B-3, Community Business Districts.**

*The plan illustrates the existing crushed limestone, along with the proposed building and asphalt drive.*

Mr. Frank Dagley of Frank A. Dagley & Associates, represented the applicant and stated that the applicant had been doing business at the current location eight years under a variance. The applicant planned to replace the existing structure and had been through the Planning Commission for rezoning of the property. The proposed plan included a new structure with adequate paved parking for employees and customers. The application today was for variance to allow an aggregate surface for the area where boats would be stored. He felt the aggregate surface was more conducive for parking boats on

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trailers, than on asphalt. Mr. Dagley said the site was bounded on three sides by residential property that would be shielded by a privacy fence. He went on to say they concurred with staff recommendations.

Mr. Vernon Humphrey, the applicant, stated that they were attempting to improve the aesthetics of the area and requested approval of the application.

There was no one present in opposition.

A motion was made by Mr. Collier and seconded by Rev. Cooke to approve the request for a Parking Surface Variance to allow an aggregate parking area in a B-3, Community Business District subject to the following condition:

- 1) compliance with Urban Forestry Comments (crushed limestone be removed from critical root zone of 38" Live Oak; and all work under canopy to be coordinated with Urban Forestry).

The motion carried unanimously.

**#5220**

**(Case #ZON2003-02816)**

**Chris Bowen**

**110 North Julia Street**

(East side of North Julia Street, 258' ± North of Old Shell Road)

**Use Variance to allow a second residential dwelling unit, in an R-1, Single-Family Residential District; only one dwelling unit is allowed in an R-1, Single-Family Residential District.**

*The plan illustrates the existing structures and parking, along with the proposed parking.*

Mr. Chris Bowen, applicant, stated that he was seeking approval to use a garage apartment on the subject property as a second dwelling. He thought he was purchasing a triplex and garage apartment when he purchased the property. He went on to say that he previously sought Board approval to use the main structure as a triplex and the garage apartment as a dwelling. The Board denied that request. The garage apartment was a separate structure with independent utilities. He presented a letter of support for the project from Mr. Devereaux Bemis of the Mobile Historic Development Commission. There was adequate parking for the one bedroom apartment and the single-family residential house.

Ms. Margie Crawford of 104 N. Julia Street stated that she represented the neighborhood. They had opposed the previous application. They had no opposition to this project as presented if it had no effect on the main structure use as a single-family dwelling.

There was no one present in opposition.

A motion was made by Mr. Davitt and seconded by Mr. Collier to approve the request for a Use Variance to allow a second residential dwelling unit, in an R-1, Single-Family Residential District.

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The motion carried unanimously.

**#5221**

(Case #ZON2003-02818)

**Bob Steele (Bob & David Steele, Owners)**

**2850 & 2872 Lloyd's Lane**

(West side of Lloyd's Lane, 150'± South of Lampwood Court)

**Front Yard Setback Variance to allow the construction of an 8' high fence (2' brick base and 6' high wrought iron) with 8' high brick columns, 1' from the front property line, and an 8' high concrete block wall 3' from the front property line along the North (side) property line; a 25' front yard setback is required for a wall or fence higher than 3-feet in an R-1, Single-Family Residential District.**

*The plan illustrates the proposed structures and setbacks.*

Mr. M. Don Williams, Williams Engineering, Inc., represented the applicant and stated that they wanted to erect an 8' high fence at the right-of-way line. The fence would have a 2' brick base with 6' wrought iron. Traffic Engineering had reviewed the plan and had not indicated that the fence would pose a line of sight problem. Mr. Williams concurred with the staff recommendations.

There was brief discussion about possibility of the fence having to be moved in the future. It was decided that the fence would be placed 1' from the front property line, thus eliminating possible future need to remove the fence.

There was no one present in opposition.

A motion was made by Mr. Collier and seconded by Mr. Lee to approve the request for a Front Yard Setback Variance to allow the construction of an 8' high fence (2' brick base and 6' high wrought iron) with 8' high brick columns, 1' from the front property line, and an 8' high concrete block wall 3' from the front property line along the North (side) property line subject to the following condition:

- 1) that the wrought iron spires be approved by Traffic Engineering prior to the issuance of a permit.

The motion carried unanimously.

**NOTE:** Ms. Cochran left the meeting.

**#5222**

(Case #ZON2003-02819)

**Pat M. McFarlane**

**200 Ridgewood Place**

(Northeast corner of Ridgewood Place and The Cedars)

**Side Yard (Street) Setback Variance to allow the construction of a 26' x 33' garage within 10' from the South (street) side property line and the construction of a 6' high solid wooden fence**

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**within 5' from the South (street) side property line; a minimum side yard setback of 20' is required, along a side street in an R-1, Single-Family Residential District.**

*The site plan illustrates the existing buildings, drives, and walks along with the proposed building, and proposed fencing.*

Mr. M. Don Williams, Williams Engineering, Inc. represented the applicant and stated that the subject property was near Mary B. Austin School. He presented photographs of the immediate area. The Cedars was the side yard of the subject property. The applicant wanted to convert an existing carport into a bedroom and remove the existing driveway. They proposed to construct a two-car garage 10' from the South side property line. This would require removal of Camellia bushes and three Water Oak Trees. They were aware that a permit was required for removal of the Water Oak Trees. The reason for the request for a 10' setback was to avoid removal of a large Oak Tree in the rear yard and to connect it to an existing patio and breezeway. They also proposed to erect a 6' wooden fence 5' from the property line, behind existing Camellia bushes and Bamboo.

Mr. Cummings asked if access to the existing garage was from Provident Lane.

Mr. Williams said access was from The Cedars.

Mr. Cummings asked about an application dealt with at a recent Planning Commission meeting.

Mr. Williams said that was a resubdivision application to incorporate a portion of the vacated Provident Lane and amend side yard setbacks. The application was approved, but the amended plat had not yet been completed.

Mr. Collier felt there was sufficient room for the garage to be located within the required 20' setback.

Mr. Medford Roe of 3614 The Cedars stated that his property was adjacent to the vacated street. He questioned whether the inclusion of the vacated street affected the minimum setback along The Cedars.

A brief discussion centered on whether the Planning Commission action had any affect on the side yard setback. A review of the Planning Commission decision revealed that the side yard setback was not affected by the inclusion of the vacated street.

Mr. Roe concurred with Mr. Collier's statement that there was sufficient area for the garage to be constructed within the minimum setback. He expressed concern for vehicles backing into traffic on The Cedars. He suggested the proposed construction could be adjusted to be more compatible with the neighborhood.

Ms. Anna McMurphy stated that she resided across the street from the subject property. She expressed concern about the proposed construction maintaining the aesthetic nature of the neighborhood.

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Ms. Beth McFarlane, the applicant, stated that shifting the garage farther North would disturb the large Oak Tree, and to shift the garage to the East would disturb a vegetative buffer between their property and the adjoining property. They did not want to change any existing landscaping. She felt that there were aesthetically appealing garage doors available so that this would not detract from the aesthetics of the neighborhood. She said the material chosen for the driveway would also be aesthetically appealing.

Mr. Collier asked if there was sufficient room for a turn-around when exiting the garage.

Ms. McFarlane said the driveway from The Cedars was for their personal use. Guests would access the home from Ridgewood Place.

Mr. Collier if backing into The Cedars was a problem for Traffic Engineering.

Mr. Roberts said it was a problem due to the proximity of the nearby school.

In discussion, extensive consideration was given to the line of sight and pedestrian safety issues with vehicles backing onto The Cedars from the subject property. It was felt that the angle of the proposed fence posed an additional line of sight problem.

A motion was made by Mr. Collier and seconded by Mr. Lee to approve a Side Yard (Street) Setback Variance to allow the construction of a 26' x 33' garage within 15' from the South (street) side property line and the construction of a 6' high solid wooden fence within 5' from the South (street) side property line subject to the following condition:

- 1) that the angle of the fence be coordinated with Traffic Engineering.

The motion carried. Mr. Davitt voted nay.

**OTHER BUSINESS:**

Discussion regarding meeting format: It was decided to delay discussion on this matter until such a time as legal counsel is present.

There being no further business, the meeting was adjourned.

**APPROVED:** February 9, 2004

/s/ Chairman of the Board

/rm