

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**MEETING OF MARCH 1, 2004 - 2:00 P.M.**  
**MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM**

**MEMBERS PRESENT**

Reid Cummings, Chairman  
Stephen J. Davitt  
H. Lamar Lee  
Stephen J. Davitt  
Horace L. Christian

**MEMBERS ABSENT**

Edley Hubbard (S)  
Rev. Clarence Cooke

**STAFF PRESENT**

Frank Palombo, Planner I  
Timothy Ashley, Planner I  
Rose Murphy, Secretary II

**OTHERS PRESENT**

Wanda Cochran, Assistant City Attorney  
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 Rev. Cooke to approve the minutes of the meeting of February 9, 2004, as submitted. The motion carried unanimously.

**EXTENSIONS:**

**#5190**

**(Case #ZON2003-01387)**

**Aimwell Missionary Baptist Church**

**500 Earle Street**

(Northwest corner of North Lawrence Street and Earle Street)

**Side Yard (street) Setback and Parking Ratio Variances to allow a 5,730 square foot two-story addition to an existing church facility within ten-feet (10') of the front property line and providing seventy-three (73) on-site parking spaces; a minimum side yard setback of 20' is required, along a side street in R-3, Multi-Family Residential Districts and eighty-seven (87) on-site parking spaces are required for a church with seating capacity of three hundred forty-seven (347).**

*The plan illustrates the existing structures, along with the proposed structure and asphalt paving.*

**March 1, 2004**

Larry Dorsey of Dorsey and Dorsey, Inc. represented the applicant and stated that they were requesting a six-month extension of a previous approval. He went on to say that they had resolved some design issues and were ready to proceed with the project. There were no changes to the original plan.

A motion was made by Mr. Davitt and seconded by rev. Cooke to approve the request for a six-month extension of the previously approved Side Yard (street) Setback and Parking Ratio Variances to allow a 5,730 square foot two-story addition to an existing church facility within ten-feet (10') of the front property line and providing seventy-three (73) on-site parking spaces.

The motion carried unanimously.

**#5194/4688/2517**

**(Case #ZON2003-01571)**

**Kwik Kare, Inc.**

**154 Randolph Street**

(East side of Randolph Street, 50' ± North of Jenkins Street)

**Use Variance to reopen a previous variance to allow medical sales with associated warehousing in an R-1, Single-Family Residential District; medical sales are allowed by right in a B-2, Neighborhood Business District.**

Ms. Jackie Godwin represented the applicant and stated that they were requesting a six-month extension of a previous approval. There were no changes to the original plan.

A motion was made by Mr. Davitt and seconded by Rev. Cooke to approve the request for a six-month extension of the previously approved Use Variance to reopen a previous variance to allow medical sales with associated warehousing in an R-1, Single-Family Residential District.

The motion carried unanimously.

**PUBLIC HEARINGS:**

**#5230**

**Case #ZON2004-00295)**

**Ian Whelan & Theresa Coleman**

**202 Woodlands Avenue**

(East side of Woodland Avenue, 60' ± North of Ashland Place Avenue)

**Side Yard Setback and Site Coverage Variances to allow the construction of a 672 square foot addition within 6'2" of the (South) side property line, and to allow 38% site coverage; a minimum side yard setback of 7'2", and a maximum site coverage of 35% is required for a 50' wide lot in an R-1, Single-Family Residential District.**

*The plan illustrates the existing and proposed structures.*

Mr. Tony Poiroux, contractor for the applicant, represented the application and stated that they were seeking a variance to construct an addition to the rear of the existing structure. The addition would be in line with the existing structure, which was 6'2" from the South property line.

**March 1, 2004**

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 Side Yard Setback and Site Coverage Variances to allow the construction of a 672 square foot addition within 6'2" of the (South) side property line, and to allow 38% site coverage subject to the following condition:

1. provision of gutters and downspouts.

The motion carried. Mr. Lee, Mr. Collier, Rev. Cooke, Mr. Davitt and Mr. Cummings voted aye. Mr. Christian voted nay.

**#5231**

**(Case #ZON2004-00303)**

**M. Don Williams, III (Ernest Tacchi, Owner)**

**151 Tuthill Lane**

(Northwest corner of Tuthill Lane and Stein Street)

**Side Yard (Street) Setback Variance to allow the construction of an 18' diameter octagonal gazebo within 10' of 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 plan illustrates the existing structure and drive, along with the proposed gazebo and landscaping.*

Mr. M. Don Williams of Williams Engineering, Inc. represented the applicant and stated that the applicant wanted to move a 154-year-old gazebo onto his property within 10' of the south property line. He felt that the proposed area was the best location on the property to place the gazebo for aesthetic purposes. He noted that the sanitary sewer line for the home was in the area North of two existing Magnolia Trees. This was the area the staff recommended placing the gazebo. Mr. Williams stated that the sewer line would be inaccessible if the gazebo were placed in that area. They proposed to place Leyland Cypress trees around the outside perimeter of the site and to improve the line of sight.

The motion carried unanimously.

Mr. Ernest Tacchi, applicant, gave the history of the gazebo. He stated that they wanted to move the gazebo to their property and restore it to its original state.

There was no one present in opposition.

In discussion, consideration was given to whether there was a hardship on the property, which prevented the gazebo from being located on the property so as not to encroach the required setback. No hardship could be identified.

A motion was made by Mr. Davitt and seconded by Mr. Collier to deny the request for a Side Yard (Street) Setback Variance to allow the construction of an 18' diameter octagonal gazebo within 10' of the South (street) side property line.

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Mr. Daughenbaugh suggested that the proposed Leyland Cypress trees would provide a good buffer once the reached maturity.

Mr. Collier withdrew his second of the motion.

The motion died for a lack of a second.

Further discussion centered on the proposed location of the gazebo and whether there was sufficient space to locate it within the allowed setback.

A motion was made by Mr. Lee and seconded by Rev. Cooke to approve the request for a Side Yard (Street) Setback Variance to allow the construction of an 18' diameter octagonal gazebo within 10' of the South (street) side property line subject to the following condition:

1. placement of Leyland Cypress trees, to screen the gazebo, to be coordinated with Urban Forestry.

The motion carried. Mr. Lee, Mr. Christian, Rev. Cooke, Mr. Collier, and Mr. Cummings voted aye. Mr. Davitt voted nay.

**#5232/4828**

**(Case #ZON2004-00326)**

**Stephen Moore & Mark Wolfe**

**1252 Dauphin Street**

(North side of Dauphin Street, 60'± West of North Georgia Avenue)

**Off-Site Parking Variance to amend a previously approved variance to allow 4 (four) additional off-site parking spaces for a total of 15 fifteen off-site parking spaces; the Zoning Ordinance requires all parking to be located on-site in all zoning districts.**

*The plan illustrates the existing and proposed structures and parking.*

Mr. Douglas Kearley, project architect, represented the applicant and stated they proposed to replace an existing one-story structure with a two-story structure for use as a law office; more parking spaces were required for the new structure. Mr. Kearley said that the applicant had a letter of agreement with a neighboring church for use of their parking lot for the additional required parking.

There was no one present in opposition.

A motion was made by Mr. Collier and seconded by Mr. Davitt to approve the request for an Off-Site Parking Variance to amend a previously approved variance to allow 4 (four) additional off-site parking spaces for a total of 15 fifteen off-site parking spaces subject to the following condition:

1. the submission of a parking agreement between the church and the applicants.

The motion carried unanimously.

March 1, 2004

#5233

(Case #ZON2004-00393)

Angel C. Robinson

1750 Navco Road

(North side of Navco Road at the North terminus of Columbus Avenue)

**Use, Parking Ratio and Parking Surface Variances to allow a custom cabinet and shutter shop in an R-1, Single-Family Residential district with two (2) on-site parking spaces and an aggregate surface; the Zoning Ordinance requires a minimum of a B-3, Community Business District, eight (8) on-site parking spaces paved with asphalt, concrete or an approved alternative paving surface are required for a 2,375 square foot building.**

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

Mr. Mike Peavy, son of the applicant, represented the applicant and stated that he proposed to use the existing structure as a shop to prepare custom cabinets and shutters. Mr. Peavy concurred with staff recommendations.

Ms. Glenda Morgan, owner of the subject property, stated that the structure had never been used for any purpose other than a business. It had been vacant due to her husband's inability to continue to operate a picture framing business. The property was surrounded by commercial and industrial uses.

There was a brief discussion of materials used in the proposed business and whether health hazards would result. It was decided that the materials used posed no health hazards for nearby residents.

There was no one present in opposition.

A motion was made by Mr. Collier and seconded by Mr. Lee to approve the request for Use, Parking Ratio and Parking Surface Variances to allow a custom cabinet and shutter shop in an R-1, Single-Family Residential district with two (2) on-site parking spaces and an aggregate surface subject to the following conditions:

1. parking spaces to be delineated with bumpers and coordinated with urban Development and Traffic Engineering;
2. tree preservation (any work on or under these trees is to be permitted and coordinated with Urban Forestry (removal to be permitted only in the case of disease or impending danger for the two 60" Live Oaks; and
3. compliance with landscaping and trees to be coordinated with Urban Forestry.

The motion carried unanimously

**OTHER BUSINESS:**

Mr. Cummings announced that this was the final meeting for Mr. Collier, whose term had expired. He thanked Mr. Collier for his years of service. He also welcomed Mr. Horace Christian, who replaced Ms. Pierre.

**March 1, 2004**

It was decided to forego electing a vice-chairman until the April 5, 2004, meeting.

There being no further business, the meeting was adjourned.

**APPROVED:            April 5, 2004**

/s/ Chairman of the Board

/rm