

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF MAY 6, 2002 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

John Peebles, Chairman
Richard Collier
Rev. Clarence Cooke
H. Lamar Lee

MEMBERS ABSENT

Rev. P. H. Lewis
Reid Cummings*
Edley Hubbard (S)

STAFF PRESENT

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

OTHERS PRESENT

David Roberts, Traffic Engineering
David Daughenbaugh, Urban Forestry
John Lawler, Assistant City Attorney

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

*Though present at the meeting, Mr. Cummings did not sit as a Board member, as he had a case on the agenda.

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 April 1, 2002, as submitted. The motion carried unanimously.

HOLDOVER:

#5109

(Case #ZON2002-00639)

Erato Realty Corporation, M Don Williams, Agent

3347 Halls Mill Road

(East side of Halls Mill Service Road (Private Road), 230' ± South of Halls Mill Road)

Use, Landscaping and Parking Variances to allow a stone cutting, shaping and finishing company with 960 square feet of front and total landscaping, and 10 parking spaces in a B-3, Community Business District; a minimum of an I-1, Light Industrial District; 2,238 square feet of front landscaping and 3,729 square feet of total landscaping, and 12 parking spaces are required.

The plan illustrates the existing building and parking.

Mr. M. Don Williams of Williams Engineering, Inc. represented the applicant and stated that this application was held over from the previous meeting to allow time to address three points. The first was that the lot was not a legal lot of record. He said that research indicated the Lamar Interstate Park was granted subdivision approval as a three-lot subdivision in 1977. The subject lot was deeded off with a metes and bounds description in 1985 without Planning Commission approval. Mr. Williams acknowledged that this was an illegal subdivision and indicated that discussions were ongoing with the other four members of Lamar Interstate Park to make the subject lot a legal lot of record. The second point was noise. The saw to be used in the building would produce 75 decibels at the cutting table according to the saw manufacturer, 92 decibels at the saw blade, and 62 decibels outside the building. OSHA did not regulate noise below 85 decibels. Highway noise averaged 60 decibels and human speech averaged between 50 to 70 decibels. He felt noise would not be a factor. The third point was

May 6, 2002

trees. Mr. Williams stated that they proposed four Live Oak trees in the front. He asked Mr. Daughenbaugh to relate his findings from a site visit regarding landscape needs for the rear.

Mr. Daughenbaugh stated that there was a concern at the previous meeting regarding the residences to the rear of the subject property. He noted that there were overhead power lines and that trees in that area would not be beneficial. He felt there was sufficient room for vegetative buffering to reduce the sound level.

Mr. Williams noted that there was no door on that side of the building.

Mr. Peebles asked if the status of the subdivision was accurate.

Mr. Ashley said yes.

There was no one present in opposition.

Discussion centered on requiring the applicant to pursue bringing the site into conformance with the Subdivision Regulations.

A motion was made by Mr. Collier and seconded by Rev. Cooke to approve the request for Use, Landscaping and Parking Variances to allow a stone cutting, shaping and finishing company with 960 square feet of front and total landscaping, and 10 parking spaces in a B-3, Community Business District subject to the following conditions:

1. provision of a 6' wooden privacy fence with vegetative buffering inside the fence along the east property line;
2. provision of trees, the type and size to be coordinated with the Urban Forester; and
3. a concerted effort be made to bring the site into compliance with the Subdivision Regulations.

The motion carried unanimously.

PUBLIC HEARINGS:

#5110

(Case #ZON2002-00788)

J. Reid & Rebecca W. Cummings

306 Bromley Place

(West side of Bromley Place, 125' ± South of Airport Boulevard)

Side Yard Setback Variance to allow the construction of a 29' x 23' garage/storage building 4' from the north side property line; a minimum side yard setback of 8' is required in an R-1, Single-Family Residential District.

The plan illustrates the existing structure and the proposed structure.

Mr. Reid Cummings did not sit as a member of the Board because he had this case for consideration.

Mr. Reid Cummings of 306 Bromley Place, the applicant, stated that they were seeking a variance to construct a garage/storage building 4' from the north side property line. The storage area on the north side of the building would provide a visual buffer to traffic on Airport Boulevard and a noise buffer. The proposed location for the storage area would best utilize the available space. The design would match the rear of the current building as closely as possible.

Mr. Collier asked if the peak of the roof was designed east to west.

Mr. Cummings said the ridge of the roof would run north to south. This would allow rainwater to empty onto the driveway and into the storm drain. Plans included a French drain to the west of the new structure to assist drainage.

Mr. Peebles asked if there were other buildings in the area constructed inside the setbacks.

May 6, 2002

Mr. Cummings said yes.

Mr. Collier asked if the fence shown on the west side property line was wooden.

Mr. Cummings said that it was wooden, but had been removed. Plans include replacement of the fence there and along the north property line.

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 Side Yard Setback Variance to allow the construction of a 29' x 23' garage/storage building 4' from the north side property line.

The motion carried unanimously.

#5111

(Case #ZON2002-00843)

H. Don Bowden (Ashland Place United Methodist Church, Owner)

15 Wisteria Avenue

(Southwest corner of Old Shell Road and Wisteria Avenue)

Sign Variance to allow two freestanding signs on a single tenant site; a maximum of one freestanding sign is allowed on a single tenant site.

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

Mr. Don Bowden, Architect, represented the applicant and stated that the request for a variance was to allow the addition of a new sign for the Church on Old Shell Road. The original sign was small and intended for pedestrian traffic. The Church was built in the 1940's. They wanted to construct a new sign on Old Shell Road that would provide visibility for east- and west-bound traffic. Access to the property had changed and there were several additions to the Church, and they felt it was appropriate to place a sign of reasonable size on Old Shell Road.

Mr. Peebles asked the regulation for the number of signs.

Mr. Palombo said that one free-standing sign was allowed.

Mr. Collier asked if the proposed new sign would be identical on both sides.

Mr. Bowden said yes.

Mr. Peebles asked if the new sign would be the same construction as the old one.

Mr. Bowden said yes.

There was no one present in opposition.

A brief discussion centered on the placement of the sign as it related to line-of-sight. With Traffic Engineering in agreement, it was decided that the proposed placement was adequate to prevent line-of-sight problems.

There was discussion concerning requiring the applicant to comply with Landscape and Tree requirements.

A motion was made by Mr. Collier and seconded by Rev. Cooke to approve the request for a Sign Variance to allow two freestanding signs on a single tenant subject to the following condition:

May 6, 2002

1. provision of frontage trees on Old Shell Road, the quantity, type, and size to be coordinated with the Urban Forester.

The motion carried unanimously.

#5112

(Case #ZON2002-00851)

The Christian Bible Teaching Church

1809 Duncan Street

(Southeast corner of Duncan Street and Lesesne Street)

Parking Ratio and Parking Surface Variances to allow a church parking facility with eighteen (18) on site parking spaces and an aggregate surface; twenty-six (26) on site parking spaces paved with asphalt or concrete are required for a church with a seating capacity of one hundred two (102).

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

Mr. Gerald D. Byrd of Byrd Surveying, Inc. represented the applicant and stated that the purpose of this application was to allow fewer parking spaces than required by the Ordinance and to allow an aggregate parking surface to remain. He stated that the current membership of the Church was eighty, with forty of those attending regularly. Of the forty attendees, some walked and others rode the Church van. Mr. Byrd felt that there was not a need for the 26 parking spaces required by the Ordinance to accommodate the 102 seats in the Church, nor was there sufficient space to add the additional parking spaces. He went on to say that it was not economically feasible at this time to provide a paved parking surface. The Church was in the process of constructing an addition with covered walkway to the existing building.

Mr. Collier asked where the members currently parked.

Mr. Byrd said some parked on-site. In the past parking was allowed on adjoining property to the east and south.

Mr. Peebles asked if there was a written agreement for the off-site parking.

Mr. Byrd said there was one in the past, but not currently.

Mr. Peebles asked if there would be off-site parking in the future.

Mr. Byrd said no.

Mr. Peebles asked how many parking spaces were available.

Mr. Byrd said nineteen, 18 in the rear and one off Duncan Street.

On-street parking on Duncan and Lesesne Streets was briefly discussed.

Mr. James Crawford, 1907 Clearmont Street, stated that he was the adjacent property owner. He said that the Church was a good neighbor for many years. The Church asked for and was granted permission to use the property for parking with the condition that the agreement could be cancelled with a 30 days notice. The agreement was cancelled because future plans to sell the property fronting Duncan Street would require use of the rear for parking. He stated that he had no objection to the application and welcomed the improvement to the neighborhood.

A brief discussion centered on possible parking alternatives near the Church. It was noted that on-street parking was allowed on both Duncan and Lesesne Streets, and there were parking spaces available across the street that could be used.

May 6, 2002

A motion was made by Mr. Collier and seconded by Mr. Lee to approve the request for Parking Ratio and Parking Surface Variances to allow a church parking facility with eighteen (18) on site parking spaces and an aggregate surface subject to the following condition:

1. provision of numbered wheel stops to delineate parking spaces in the rear parking area.

The motion carried unanimously.

#4902/5113

(Case #ZON2002-00852)

Botanica, Inc. (Warren A. & Mildred H. Reilly, Jr., Owners)

1714 Dauphin Street

(Northeast corner of Dauphin Street and Semmes Avenue)

Use and Parking Ratio Variances to re-open an existing variance to allow a garden shop with fewer required parking spaces than the previously approved variance in an R-1, Single-Family Residential District; a minimum of B-2, Neighborhood Business District with five (5) parking spaces is required for 1,440 square feet of retail space.

The plan illustrates the existing structure and parking.

Mr. Gene Kier, owner of Botanica, Inc., stated that they were seeking use and parking variances to allow a garden shop at the subject location. They had subleased the property from the previous tenant.

A brief discussion centered on parking arrangements for the previous tenant and parking on Semmes Avenue. It was noted that there were two tenants in the building, and that the entire site was two parking spaces short of the requirement. Mr. Dave Roberts, Traffic Engineering, stated that parking was restricted at the corner, on the east side of Semmes Avenue.

Mr. Wendell Quimby of 14 Semmes Avenue stated that parking on Semmes Avenue impeded traffic flow to Dauphin Street. He was not opposed to the new business, but he felt that on-street parking on Semmes Avenue should be prohibited.

Mr. Roberts stated that Traffic Engineering received numerous complaints about parking on Semmes Avenue when the previous tenant occupied the site.

Mr. Kier felt his business would not generate the traffic flow and parking problems the previous tenant did because of the nature of his retail business.

Discussion centered on parking problems on Semmes Avenue. It was decided to request Traffic Engineering to study the feasibility of prohibiting on the west side of Semmes Avenue.

A motion was made by Mr. Collier and seconded by Mr. Lee to approve the request for Use and Parking Ratio Variances to re-open an existing variance to allow a garden shop with fewer required parking spaces than the previously approved variance in an R-1, Single-Family Residential District.

The motion carried unanimously.

5114

(Case #ZON2002-00853)

Eric Jason Oliver

1110 Palmetto Street

(North side of Palmetto Street, 260' ± West of George Street)

Side Yard and Combined Side Yard Variances to allow the construction of a 29' x 32' addition to an existing structure within 6.3' of the east side property line and to allow a combined side yard total of 17.8'; a 8' minimum side yard setback and a total of 19.6' combined side yard total are required on a 59' lot.

May 6, 2002

The plan illustrates the existing structure and proposed addition.

Mr. Eric Oliver, the applicant, stated that he was seeking variances to allow construction of an addition to his home. The addition would be to the rear of the home and in line with the existing structure. He indicated that he had received approval of the Architectural Review Board.

There was no one present in opposition.

A motion was made by Mr. Collier and seconded by Rev. Cooke to approve the request for Side Yard and Combined Side Yard Variances to allow the construction of a 29' x 32' addition to an existing structure within 6.3' of the east side property line and to allow a combined side yard total of 17.8' subject to the following conditions:

1. the approval from the Architectural Review Board prior to the issuance of any permits; and
2. the provision of gutters and downspouts.

The motion carried unanimously.

#5115

(Case #ZON2002-00854)

Linda Johnson Stringer

1121 Palmetto Street

(South side of Palmetto Street, 150' ± East of Roper Street)

Side Yard and Combined Side Yard Variances to allow the construction of a 34.83' x 13.5' addition to an existing structure within 5.4' of the west side property line and to allow a combined side yard total of 16.1'; a 7.3' minimum side yard setback and a total of 17' combined side yard total are required on a 51.29' lot.

The plan illustrates the existing structure and the proposed addition.

Mr. Mike Stringer, the applicant, stated that they were seeking variances to allow construction of an addition to the existing structure. He said the addition would be in line with the existing structure.

There was no one present in opposition.

A motion was made by Mr. Collier and seconded by Rev. Cooke to approve the request for Side Yard and Combined Side Yard Variances to allow the construction of a 34.83' x 13.5' addition to an existing structure within 5.4' of the west side property line and to allow a combined side yard total of 16.1' subject to the following conditions:

1. the approval from the Architectural Review Board prior to the issuance of any permits; and
2. the provision of gutters and downspouts.

The motion carried unanimously.

OTHER BUSINESS:

Appeals

Mr. Lawler stated that the newspaper reported that Justine's would withdraw their application for variance. He also reported that the case pending concerning a sign variance on Hillcrest Road appeared to be resolved by the parties involved.

There being no further business, the meeting was adjourned.

APPROVED: June 3, 2002

May 6, 2002

Chairman of the Board

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