

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**MEETING OF JANUARY 5, 2009 - 2:00 P.M.**  
**MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM**

**MEMBERS PRESENT**

Reid Cummings, Chairman  
William Guess  
Vernon Coleman  
Sanford Davis  
Mack Graham  
\*supernumerary member

**MEMBERS ABSENT**

Russell Riley\*  
J. Tyler Turner\*

**STAFF PRESENT**

Frank Palombo, Planner II  
Caldwell Whistler, Planner I  
Joanie Stiff-Love, Secretary II

**OTHERS PRESENT**

John Lawler, City Attorney  
Butch Ladner, Traffic Engineering

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

**CALL TO ORDER:**

Chairman Cummings 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 called the meeting to order.

**APPROVAL OF MINUTES:**

Mr. Coleman moved, with second by Mr. Guess, to approve the minutes from the following, regularly held, Board of Zoning Adjustment meetings:

- January 7, 2008
- February 11, 2008
- March 3, 2008

The motion carried unanimously.

**PUBLIC HEARINGS:**

#5517

(Case #ZON2008-02942)

**Apostolic Pentecostal Holy Church of God**

**1710 Bolden Street**

East side of Bolden Street, 200'± North of Carter Avenue, extending to the West side of William Street, 100'± North of Carter Avenue

**Rear Yard Setback and Parking Ratio Variances to allow a rear yard setback of 6.2' in a proposed subdivision and 32 on-site parking spaces for a 200-seat church in an R-1, Single-Family Residential District; the Ordinance requires an 8' rear yard setback and a 200-seat church requires 50 on-site parking spaces in an R-1, Single-Family Residential District.**

The Chair announced the matter, advising it had been recommended for approval and that the applicant should address the Board regarding the subject at that time.

Jerry Porter, pastor of Apostolic Pentecostal Holy Church of God, 1710 Bolden Street, Mobile, AL, spoke on behalf of his church, advising that they were in agreement with the staff's recommendations.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those in opposition to the matter and opened the floor to their comments. He noted for the record there were none in attendance who were in opposition to the matter.

Hearing no further discussion, a motion was made by Mr. Coleman, with second by Mr. Cummings, to approve the request for a **Rear Yard Setback and Parking Ratio Variances to allow a rear yard setback of 6.2' in a proposed subdivision and 32 on-site parking spaces for a 200-seat church in an R-1, Single-Family Residential District** at the above referenced location. The 1.8 foot rear yard variance was approved subject to the following conditions:

- 1) **completion of the Subdivision process already started with the Mobile City Planning Commission; and,**
- 2) **compliance with all municipal codes and ordinances.**

The parking ratio variance was approved subject to the following conditions:

- 1) **no further development of the site to take place, and no expansion of the seating area or capacity to take place without full compliance with parking regulations or submittal of another variance application;**
- 2) **no parking to be allowed on any landscaping area or right-of-way;**
- 3) **full compliance with all landscaping and tree planting requirements; and,**
- 4) **compliance with all municipal codes and ordinances.**

The motion carried unanimously.

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#5518

(Case #ZON2008-02943)

Josephine Dickinson

1711 William Street

West side of William Street, 100'± North of Carter Avenue

**Rear Yard Setback Variance to allow a 6.2' rear yard setback in a proposed subdivision in an R-1, Single-Family Residential District; the Ordinance requires an 8' rear yard setback in an R-1, Single-Family Residential District.**

The Chair announced the matter, advising it had been recommended for approval and that the applicant should address the Board regarding the subject at that time.

Jerry Porter, pastor of Apostolic Pentecostal Holy Church of God, 1710 Bolden Street, Mobile, AL, spoke on behalf of the applicant and stated they were in agreement with same.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those in opposition to the matter and opened the floor to their comments. He noted for the record there were none in attendance who were in opposition to the matter.

Hearing no further discussion, a motion was made by Mr. Guess, with second by Mr. Coleman, to approve the request for a **Rear Yard Setback Variance to allow a 6.2' rear yard setback in a proposed subdivision in an R-1, Single-Family Residential District** at the above referenced location. The 1.8 foot rear yard variance was approved subject to the following conditions:

- 1) **completion of the Subdivision process already started with the Mobile City Planning Commission; and,**
- 2) **compliance with all municipal codes and ordinances.**

The motion carried unanimously.

#5519/4575

(Case #ZON2008-02968)

Brenda Thomas

2605, 2607 Spring Hill Avenue, and 143 Item Avenue

Southwest corner of Spring Hill Avenue and Item Avenue

**Use Variance to allow a day care at a vacant school at an existing church in an R-1, Single-Family Residential District; the Ordinance requires B-2, Neighborhood Business District, for a day care.**

The Chair announced the matter, advising it had been recommended for approval and that the applicant should address the Board regarding the subject at that time.

Justin Smith, Saad & Vallas Realty, spoke on behalf of the applicant and stated they were agreeable with the staff's recommendations.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those in opposition to the matter and opened the floor to their comments. He noted for the record there were none in attendance who were in opposition to the matter.

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Hearing no further discussion, a motion was made by Mr. Graham, with second by Mr. Coleman, to approve the request for **Use Variance to allow a day care at a vacant school at an existing church in an R-1, Single-Family Residential District** at the above referenced location.

The motion carried unanimously.

**#5520**

**(Case #ZON2008-02974)**

**Homebuilders, LLC**

Southwest corner of Randolph Street and Caruthers Way

**Use and Lot Size Variances to allow the construction of a residential duplex in an R-1, Single-Family Residential District on a 7,200 square-foot lot; the Ordinance requires R-2, Two-Family Residential District for a duplex and a minimum lot size of 8,000 square feet.**

The Chair announced the matter, advising it had been recommended for denial and that the applicant should address the Board regarding the subject at that time.

M. Don Williams, Williams Engineering, spoke on behalf of the applicant and made the following points in favor of the variance:

- A. there are 55 lots in the area surrounding the property in question with 19 of those being vacant, 7 with commercial use, and 5 appear to either currently or previously have two-family usage;
- B. the area has experienced decline over the years, with businesses cropping up in the R-1, single-family residential zone; and,
- C. it was felt that developing two-family, residential property would provide the opportunity to re-develop the area residentially.

Hearing no further discussion, a motion was made by Mr. Davis, with second by Mr. Coleman, to approve the request for **Use and Lot Size Variances to allow the construction of a residential duplex in a R-1, Single-Family Residential District on a 7,200 square-foot lot** at the above referenced location, subject to the following conditions:

- 1) **revise site plan to reflect all parking and maneuvering areas to be on the property;**
- 2) **final approval of on-site parking by Urban Development and Traffic Engineering; and,**
- 3) **full compliance with all municipal codes and ordinances.**

The motion carried unanimously.

**OTHER BUSINESS:**

There being no further business, the meeting was adjourned.

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**APPROVED:** April 5, 2010

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Chairman of the Board

/jsl