

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF JUNE 6, 2005 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

Reid Cummings, Chairman
Stephen Davitt, Vice-Chairman
H. Lamar Lee
William Guess
Martha Collier
Vernon Coleman
Sanford Davis

MEMBERS ABSENT

STAFF PRESENT

Frank Palombo, Planner I
Mae Sciple, 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.

HOLDOVERS:

#5305

(Case #ZON2005-00857)

Cellular South Real Estate, Inc. (Mobile Christian School, Owner)

5900 Cottage Hill Road

(North side of Cottage Hill Road, 160'± East of Woodhillcrest Drive)

Use, Height, and Setback Variances to allow the construction of a 125' Flag Pole Telecommunication Tower in an R-1, Single-Family Residential District, towers are prohibited in R-1 Districts; to allow the tower to be 125' in height, the maximum height allowed in a R-1 District is 35'; and to allow the construction of said tower to within 20' from a lease parcel line, a minimum setback of 125' is required.

Brooks Milling, with the law firm of Hand-Arendall, was present on behalf of Cellular South Real Estate, Inc. Mr. Milling explained that they had originally filed an application for a flag-pole, cell tower close to the eastern boundary of the Mobile Christian School property, which was very close to a residential neighborhood. At last month's meeting the staff recommended that they hold the application over for a month so that Cellular South and the school could explore alternative locations that would be closer to the center of the school and farther from the residential areas. Cellular South and Mobile Christian conferred and found a site that was pretty close to the center of the campus property adjacent to the cafeteria and baseball field. Mr. Milling said the proposed antennae would be concealed within a flag pole structure so it would

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not be seen as a cell tower, but rather a 125' monumental flag pole. They felt this design would protect the health, safety, and aesthetics of the neighborhood. Cellular South had submitted propagation maps with this application which basically showed that this is a dead or under-served area. Mr. Milling said the tower had been designed by a competent engineering firm, Bay Com, to be sturdy, sound and safe. He noted that two other cellular service providers would be able to co-locate or lease space within this tower in addition to Cellular South. He understood that the staff had recommended approval subject to an insurance certificate naming the City, and complying with the landscaping and tree planting sections of the Ordinance in coordination with the Urban Forestry Department. Cellular South had no problem with these conditions. There were other representatives of Cellular South present to answer any questions the Board may have.

Vernon Coleman noted that there was a flag pole tower at Murphy High School, and he had noticed that the paint on it appeared to be deteriorating and it was not as aesthetically pleasing as it was when it was erected.

Mr. Milling said it was his understanding that the referenced tower was owned by another cellular company. He asked Jerry Skipper, Site Acquisition Manager for Cellular South, to speak to this.

Jerry Skipper stated that he had already spoken with their construction department and let them know to be sure that the paint to be used for the flag pole would be suitable for the type of environment in Mobile. He was also concerned with keeping the flag in good condition.

Mr. Cummings asked if there was anyone who wished to speak in opposition to this application.

Wayne Miller stated that he was a resident of Woodhillcrest, which adjoined the school property. It was his understanding that the tower could be built 20' off of his property line. In talking to the lawyer here, however, he showed him the proposed diagram with the tower to be just off the school cafeteria. He asked for clarification.

Mr. Cummings asked Mr. Miller to come forward to look at the map showing the proposed location.

Mr. Milling stated that some of the confusion may be because in one of the variances it says a variance within 20 feet of the lease parcel line. He wanted to make it clear that a lease parcel line was the pad on which the flag pole would sit, and not the overall Mobile Christian campus.

Mr. Cummings noted that on the detailed site plan it showed that the pad was approximately 60' x 40', and located more or less in the middle of that 60' x 40' area was where the tower would be located if approved.

Mr. Miller said that if that was the site, then he had no objection and felt none of the neighbors would either.

Mr. Palombo pointed out that this was site specific, so if it were approved, it would have to be built just like the plan submitted.

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Donald Lee, 5917 Cansler Drive, said he was at last month's meeting and saw the pictures. He wanted to make sure that Bay Com Engineering's plan dated 5/2, which showed the tower beside the cafeteria, was the one they were considering. If so, he would have no objection. He further commented that he had talked to Caldwell Whistler of the Urban Development staff a few days before the last meeting, and he told him that the site was basically beside the football field.

Mr. Cummings explained that more than likely, subsequent to his conversation but prior to the last meeting, adjustment of the site plan location was made and that was the reason the matter was held over for a month. Mr. Cummings showed Mr. Lee the plan for the proposed site that was under consideration today. Mr. Lee said he had no objection.

It was asked if there would be lights shining on the pole, or a beacon on top.

Mr. Milling said there would be no lights, nor would there be a beacon. It was not required by the FAA.

Ms. Collier asked if there was going to be an ongoing source of new flags. She said she had the experience of going by the Murphy flag pole and there was no flag flying.

A representative of Cellular South said that had been addressed by their Director of Construction and Engineering, and it would be part of their maintenance to make sure the flag was in good condition.

In executive session Mr. Cummings stated that the applicant planned on complying with the insurance requirements of the City of Mobile, and they concurred with the staff recommendations.

Mr. Palombo asked if a condition could be added requiring maintenance of the tower as well as the flag. Mr. Cummings said that could be added.

In further discussion it was asked if there would be lights shining on the flag like you would do if you were flying a normal flag after dark.

A representative of Cellular South said they did not plan to have lights illuminating the flag pole.

Joe Gordy stated that he was the person that generated this site for Cellular South. He said they had met with the school officials and agreed that they would have access to the flag if they wanted to lower it on a daily basis.

A neighbor stated that as far as the lights, the neighbors would have an issue with that because it was right in their back yards.

After discussion a motion was made by Mr. Davitt and seconded by Mr. Coleman to approve this request for Use, Height, and Setback Variances to allow a 125' Flag Pole Telecommunications Tower, said tower to come within 20' from a lease parcel line, at the above stated location subject to the recommendations of the staff.

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In further discussion Mr. Cummings asked if a condition could be added that the flag pole hardware as well as the exterior appearance, be maintained in a reasonable fashion at all times. And further, that the flag that flies atop the pole be kept in a respectable condition, and that there be no lights from the ground illuminating the tower and the flag flying upon it as well.

Mr. Davitt amended his motion, and Mr. Coleman his second, to include the conditions as stated by Mr. Cummings. The final motion was to approve the above stated variances subject to the following conditions:

- (1) that the flag pole hardware that deals with the flag, as well as the exterior condition of the paint, be maintained in a reasonable fashion at all times, and that the flag be kept in a respectable condition;
- (2) that there be no lighting of the flag pole from the ground;
- (3) full compliance with the landscaping and tree planting requirements of the Ordinance for the lease parcel (to be coordinated with and approved by Urban Forestry); and
- (4) that the applicant submit a Certificate of Insurance naming the City of Mobile as an additional insured.

The motion carried unanimously.

PUBLIC HEARINGS:

#5307

(Case #ZON2005-00982)

Pete J. Vallas, A.I.A. (Mr. & Mrs. Christopher B. White, Owners)

159 Hillwood Road

(Southwest corner of Old Shell Road and Hillwood Road)

Fence Height Variance to allow the construction of an 8' masonry wall setback a minimum of four feet from the Old Shell Road (side street) and Hillwood Road (front) property lines; a 20-foot side yard setback is required along a side street (Old Shell Road), and a 25-foot front yard setback is required along Hillwood Road.

Pete Vallas, representing the owners, explained this request. He said the White's had recently purchased the subject property which has a historic Mediterranean style house on the corner that had been restored over the years. They were going to maintain the house as a single-family residence and do some minor modifications to it. They did not plan to develop the property. They do have small children and a dog. Their request is to buffer the traffic along Old Shell Road, much like neighbors up and down Old Shell Road have been doing, with a privacy wall. In their case, the wall would be less detrimental to Old Shell Road than all the other newer walls because the White's property already has a 12' tall solid legustrum hedge. You cannot even see into their property because of the hedge, and there are also several large trees. Mr. Vallas pointed out the setback line where the wall could be put up without any variance, but they hated to waste the 20 feet and would like to slide the privacy wall behind the hedge where they felt it would not even be noticed. He pointed out that Spring Hill Trace, a neighborhood to the west, had an existing wall along Old Shell Road, and they were going to line up their wall with an existing corner of that wall. Further west there was another wall that buffered that neighborhood from Old Shell Road. Across the street a wall had been erected on the property line of the

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Morrisette's property. Mr. Vallas said they did not intend to put their wall on the property line because that would destroy the hedge. They were asking for a variance to construct it within 4 to 9 feet, because they wanted to protect the hedge, and put the wall as close to the back of the hedge as possible. Mr. Vallas said he met with David Roberts of Traffic Engineering because he knew one of the main concerns would be the intersection. It was Mr. Roberts' opinion that the wall would not add to any traffic visibility problems because the hedge was already there and the wall would be behind the hedge.

Asked if there would be a traffic light at Hillwood and Old Shell Road, Mr. Roberts said no.

Mr. Vallas further pointed out that the Morrisette's wall across the street was on the property line. He felt it would be hard to deny the White's request when walls had been allowed up and down Old Shell Road.

Mr. Cummings stated that the Morrisette's wall was developed as part of a PUD. There was no variance granted for a hardship for that wall.

Mr. Palombo said that the walls Mr. Vallas mentioned were all granted under PUDs by the Planning Commission.

Mr. Vallas asked about the wall to the west of the White's, which was about 5' off the property line.

Mr. Palombo said that was also a PUD, Spring Hill Trace.

Mr. Lee noted that there was some opposition by neighbors, some of whom could not be here today. He said part of the opposition was based on the historic markers that were present within the right-of-way of Hillwood Road.

Mr. Cummings interjected here and read a memo addressed to the Board from Mr. Palombo. The memo stated as follows: "Board of Adjustment Members: I received several calls concerning variance application #5307. These calls range from Councilman Copeland, Mr. Thornton Williams, and several neighbors that wish not to be named. Mr. Copeland just returned from a conference and has been unable to look into this variance application. Mr. Williams was prepared to address this Board in opposition to the variance based on the historic markers that are present and within the right-of-way line of Hillwood Road. However, Mr. Williams and his wife have become very ill and cannot leave their residence to present their opposition and would like the Board to hold over this application to the next meeting so that Mr. Williams could present information to the Board on why the variance should be denied."

Regarding the markers mentioned, Mr. Vallas said they were shown in the photographs he submitted and pointed them out. They were in the right-of-way and their proposed wall would be a good bit behind the marker. The wall would not touch it.

Mr. Cummings asked if the location of the wall would be within the right-of-way or would it be just inside the setback line.

Mr. Vallas said it would be within the setback line.

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Mr. Cummings said it would be on their property, between their property line and the setback line, not on city right-of-way.

Mr. Vallas said that was correct.

There being no one else to speak in favor of this application, Mr. Cummings asked if there was anyone who wished to speak in opposition.

Joleen Treehern was a resident of #1 Spring Hill Trace, which adjoined the subject property. She expressed concern about the heavy traffic on Hillwood and Old Shell Road. She felt that this wall would make it harder to get around that corner and get out to Old Shell Road. She said people did not want a traffic light there because that would encourage more traffic. Ms. Treehern did not understand why they had to have all these walls along Old Shell Road. Spring Hill Trace had a wall around it, but it was not as tall, and it was developed 25 or 30 years ago. She said walls kept hidden the beautiful homes in old Spring Hill. She felt the hedge there was very soft, but a stucco wall would be harsh. She was also concerned that they were going to subdivide this property, but was assured by Mr. Vallas that they were not going to subdivide it.

Mr. Cummings said that was true, but she should understand that if the owners decided at some point to sell that property and someone came in and choose to develop it, or subdivide it, and it was approved by the Planning Commission, it could happen.

Mr. Vallas further commented that he understood Ms. Treehern's concerns about all the walls up and down Old Shell Road. He said that every time there was a PUD, there was an increase in traffic. That increase in traffic was because everybody wanted to live in Spring Hill. So it seemed ironic that they have these PUDs that allow increased density that allow these walls. Spring Hill Trace to the west had a wall that was allowed through a PUD. The Morissette's across the street had a wall allowed through a PUD. He contended that the White's would do a great service because they did not want to develop the property. They were not asking for a PUD to put in four homes. They wanted to maintain it as a single-family residence. He felt they should try to help families keep these properties intact. They just wanted to protect their children and their dog from the traffic and noise on Old Shell Road. Whether they put up the wall now or not would not increase the chance of their property being developed. That would still have to be applied for. Mr. Vallas felt it would be kind of sad to turn down a family that wanted to maintain a historic house on this corner just because some of the neighbors that already had walls did not want other walls.

Ms. Collier asked if the family had considered a little more setback that would comply with the rules and regulations that were already set forth.

Mr. Vallas stated that a 20' setback would just create a no-man's land between the hedge and the wall. It seemed silly to encroach on the historic house with a wall and just leave that land out there.

Ms. Collier suggested there could be some sort of creative use of what he was calling a "no-man's land". It could be used to plant trees or something larger and taller than the hedge.

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Mr. Vallas said that the White's had plans to develop a swimming pool out back and a pool house. They wanted to come in off of Old Shell Road with a motor port for their guests to park, so they were trying to use as much of their yard as possible and not just leave it outside the wall. He stressed that they had already talked to Traffic Engineering and the concern of the neighbor that it would contribute to the traffic problem. It had already been addressed by a professional that the wall would not hinder visibility anymore than the hedge did.

There was further discussion about the historic markers. Mr. Palombo said he was told that they had been there since the 1860's, but Mr. Vallas said that was not correct. The markers were put in when Hillwood Subdivision was developed in the 1920's. There was one on both sides of Hillwood Road. Mr. Vallas said his client even wanted to restore the historic marker because it was in bad shape. It had some original slate that was like a roof on it that was missing.

Mr. Davitt asked what the spacing would be between the Legustrum hedge and the outside of the wall. Mr. Vallas said the wall would be 4' in from the property line. It would be right next to the Legustrum hedge. If they had to set the wall back 20', it would be just a strip of land between the Legustrum hedge and a wall that they could not enjoy.

Ms. Cochran stated that ever since the Zoning Ordinance went into effect in 1965 this property has had a 20' setback. It was not like there had ever been a right to put a wall where it was being proposed. Ms. Cochran said she understood Mr. Vallas' point. It was an unfortunate reaction of modern people to want to turn their back on the street. They think that by building walls and turning their backs on the street that they will somehow buffer the street. Historically, that was not the case. Properties embraced the street and then the street became part of the community. But now Old Shell Road had become a thoroughfare with property developed on either side, and everybody turning inward with the walls. Ms. Cochran said all those were terrific policy arguments, but the Zoning Board had one charge, and that was to grant variances where there were hardships associated with the property which prevent the property from being developed in compliance with the Zoning Ordinance.

Mr. Vallas asked which Board you would apply to for a PUD.

Ms. Cochran said you would apply to the Planning Commission.

Mr. Vallas said Ms. Cochran had a good point. This land did come with a 20' setback, just like all these other properties on Old Shell Road that had that setback. He said those setbacks were guidelines that they all tried to work towards and that was the reason the Board was here. Sometimes an owner wants to bend that guideline and has to ask the Board's permission. Mr. Vallas said just like these other people have bent that guideline and put the wall closer to the street, they were asking that they be given that permission, rather than going to get a PUD because they do not want to develop the property. They want to maintain it as a single-family residence. Mr. Vallas said his hardship was that the traffic was unbearable. Old Shell Road was a major thoroughfare. It was not the single little residential street that it used to be.

Ms. Collier said the Board was not saying no fence, but simply that they provide the required easement.

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Mr. Vallas said he felt there was room to negotiate. He suggested something in between the 20'. He felt it was a hardship on his client to force him to put this wall at the 20' setback.

Ms. Cochran felt Mr. Vallas was saying that there had not been coordination; that nobody had really looked at the setback issue. There were PUD regulations that let you ignore the typical rules. Mr. Vallas' point was "why?" What was the point of a setback if all you have to do to get around it was get a PUD?

Mr. Guess asked if there was any other fence or wall on this property.

Mr. Vallas said there was nothing other than the historic marker.

Mr. Palombo asked if Mr. Vallas was going to connect to that marker.

Mr. Vallas said they were not touching it because it was not on their property, or just on the property line. Their wall would be 5' behind it.

Mr. Cummings asked if the marker that was being referred to as a "historic" marker was historic because it was designated so, or was it historic just because it had been there for 70 years.

Mr. Vallas said just because it had been there.

Mr. Cummings further asked if it was known whether or not this particular 6' wide piece of stone was on any kind of historic register.

Ms. Cochran said that under the Historic Preservation Ordinance, it would be historic if it was more than 50 years old and if it was eligible for listing. She did not know if it was eligible to be listed, or if the house was listed.

Mr. Vallas said the house was listed and had a marker.

Ms. Cochran asked if a façade easement had been donated on this house.

Mr. Vallas said he did not know.

Ms. Cochran said if there had been a façade easement donated, then they might not be able to make any improvements until they had approval. She noted that many times people who lived in houses, particularly in Spring Hill that were not actually in the National Register district and had houses that had an individual listing, would donate the façade easement to the Historic Development Commission for two reasons. One is that you get a really nice tax deduction, but the other reason is that people are interested in preserving houses. That is the only way that you can do it, because unless the house is in a historic district, it can be torn down without notice. But with a façade easement, it would be protected.

Mr. Vallas stated that just because the house had a historic banner and shield did not mean it had to have a façade easement.

Ms. Cochran said that was correct.

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Mr. Vallas said the matter of a façade easement had not been discussed with his clients.

Mr. Davitt asked if the setback was 20' or 25'. Mr. Palombo said the setback was 20' from Old Shell Road and 25' from Hillwood Road.

Mr. Cummings asked if the applicant accessed his garage from Old Shell Road.

Mr. Vallas said they actually had two entrances. They had an entrance off of Old Shell, but their primary entrance was off of Hillwood Road. They would like to develop the entrance off of Old Shell Road because right now no one used the front door of the house. They would like to encourage use of the front entrance with some sort of a circular motor court for guests. With reference to all the walls set back 5' or so from the property line that have been allowed through PUDs, Mr. Vallas said it seemed like they should be asking for a PUD.

Ms. Collier commented that if the hedge were to die some day, you would get a better look at the road. Softening the corner seemed to her to be a nice way to go.

Other than the setback line itself, Mr. Cummings asked if there was some other distance that might be considered.

Mr. Guess was concerned with having the wall against the Legustrum hedge and maintaining it.

Mr. Coleman asked if the City required that the Legustrum be trimmed.

Mr. Roberts said it seemed that the previous owners always kept the hedge trimmed. They had never had any complaints about it.

Mr. Davitt noted that there would not be a visibility problem because the wall would be on the interior behind the hedge. He felt it was almost a hardship on this property relative to the PUD across the street and the one right down the street.

A motion was made by Mr. Davitt and seconded by Mr. Davis to allow the construction of an 8' masonry wall setback a minimum of 10', rather than 4' as requested, from the Old Shell Road and Hillwood Road property lines at the above referenced address subject to:

- (1) protection of the existing historic stone wall during and after construction.

Mr. Cummings asked if there was any further discussion. Mr. Vallas asked if he could speak.

Mr. Vallas commented that his client would go even further and offer to restore the historic marker if they have the right. He thought the wall was on City property. The wall needed a little bit of repair and he felt they would be willing to go beyond just protecting it and not damaging it.

Mr. Cummings stated that any work done to that would have to be dealt with through a right-of-way permit with the City of Mobile.

Ms. Collier suggested requiring a 15' setback on Hillwood and a 10' setback on Old Shell.

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Mr. Cummings said that they would have to widen McGregor before they widened Hillwood, and he did not see that happening anytime soon, as there had been attempts in the last 25 years to widen McGregor and they had not gotten very far.

Ms. Collier said that would just give more easement.

Ms. Cochran noted that the purpose of the setback was not to provide for future roads. The purpose of the setback was to provide light, air, and eliminate overcrowding. Essentially, Mr. Vallas was arguing that the hardship was imposed upon this property by the City's other regulations.

There being no further discussion, Mr. Cummings called the question. There were six votes in favor of the motion and one against. The motion carried.

#5308/5289

(Case #ZON2005-01067)

M. Don Williams, III (Emma Perryman, Owner)

770 Sullivan Avenue

(West side of Sullivan Avenue at the West terminus of Fairway Drive)

Parking Surface and Access/Maneuvering Variances to re-open an existing variance to allow a grass surface parking lot, and 12-foot wide, two-way driveway; the Zoning Ordinance requires all parking to be asphalt, concrete or an approved alternative paving surface, and a 24' wide drive is required for two way access.

Don Williams, Williams Engineering, was present representing the applicant and stated that the Board approved a use variance in January of this year for this location. Mr. Williams explained that there would be 12 beds in the existing building. There would actually be three staff members there on-site during the day, located not in the residential building but in the staff building which was towards the rear of the site. They would have five parking spaces there for the three staff members. At night the three staff members would go home and another staff member would come in and spend the night there, so there would only be one car there overnight. There would be three cars there during the day for 6 ½ days every week under normal situations. Sunday afternoon was the only different situation when visitors would be allowed. The residents cannot have cars on this facility; they were not allowed to leave. So in a normal situation they would need three parking spaces maximum. They have five spaces currently and this request was made because the variance approved in January was site plan specific, which showed eight more parking spaces in front, whereby they would have to take the grassed area in front of the building and turn that into an asphalt or concrete parking lot. Mr. Williams said that for 6 ½ days a week that would be totally unnecessary because there would be no reason for cars to be parked there. Also, the variance approved required that the exterior of the property retain its residential character. They contend that an 11-car parking lot out of asphalt in the front yard, and a 24' wide driveway for two-way traffic, would not be maintaining the character of the residential neighborhood. Mr. Williams said they would, however, like to have this available for grass services because this is really the only area for grass. The parking lot at the back pretty well takes up the back yard, on the side yard they were 10' away from an existing apartment complex, and there was a little bit of grass in the front yard. He also noted that across the street there was a very nice asphalt parking lot for the church and they had gotten a letter from the

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pastor stating that they could use the parking lot on Sunday afternoons -- visitors could also park on the street. They had offered a little 24" wide landing strip for tires to actually drive onto that lot. So there really would be some provision on site for the cars that would come. They had never had eight visitors at a time on a Sunday afternoon. He said most of these ladies in this situation were not going to have company, even on a Sunday afternoon.

Mr. Guess asked how wide the existing drive was, and if they would be driving off of the concrete drive and onto the grass parking area.

Mr. Williams said the existing drive was probably eight or nine feet. There was also a little concrete paved slope to it. They would be taking that out and going to 12 feet wide. Mr. Williams said they had enough room that if it was paved it would totally comply with the zoning requirements of a 24' wide back up room, and a 20' wide deep parking space.

Mr. Guess asked how much concrete would there would be if they had the actual parking spaces on the grass, and the area to access them was concrete.

Mr. Williams replied that it would be an area about 72' x 42'.

Mr. Guess also expressed concern about erosion, citing a similar situation at the Mitchell Center.

Mr. Williams stated that there would be a little bit of stability there because of the ribbon driveway. Once you make that turn, they would like to keep the ribbon driveway. It would be partially concrete and partially grass.

Ms. Collier expressed concern about drainage.

Mr. Williams said the yard was actually elevated about a foot or two above the street. It was actually flat once you get up that two feet, and it would drain naturally through the right-of-way entrance into the street. There were concrete curbs and gutters, and there were storm drains along the sides of the roadway. He said the cars would be parked there only two or three hours at a time at most, and the grass would have plenty of time to rebound. He further noted that there was a paved pad around the office area and the staff was not going to park on the grassed area. They would drive right to the back of the property to the existing concrete pad. They felt people seldom park on the grass.

Mr. Davitt asked about the possibility of requiring a grasscrete surface. It was suggested that this would help stabilize the ground and prevent erosion. This was discussed, and Mr. Williams felt it would not really be needed.

Mr. Cummings noted that on the January variance approval the Board did impose the condition that the site maintain a residential character. He agreed that a 24' wide driveway and another 20' for parking space in terms of front and back, which would be 48' of concrete or asphalt, would not be in character with the residential area.

After discussion a motion was made by Mr. Davitt and seconded by Mr. Guess to grant Parking Surface and Access/Maneuvering variances at the above stated location to allow a 12-foot wide,

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two-way driveway, the Parking Surface Variance being subject to the provision of an approved alternative surface rather than grass as requested.

The motion carried unanimously.

#5310

(Case #ZON2005-01146)

Centre for the Living Arts (Owner, City of Mobile)

250 Conti Street

(Northwest corner of Joachim Street and Conti Street)

Sign Variance to allow a 150 square foot (75 square foot per side), illuminated, double sided, Marquee projecting sign extending 7-feet beyond the building wall; the Zoning Ordinance limits projecting signs within historic districts to a maximum 40 square feet, and no sign may project more than 5-feet from the building wall.

Chris Penton was present representing the applicant in this request. Mr. Penton said as it stood right now, with the exception of the letters that were physically on the glass doors around the building, there was really nothing to differentiate the Saenger from any of the other structures downtown. They were proposing to put a 150 square foot blade sign on the façade of the building directly above the main entrance arcade lobby of the theater on Joachim Street. He said they had done quite a bit of research into the signage that was originally on the facility, and the sign they were proposing would be considerably smaller than the original sign. The proposed sign would be 17' 8" high by 4' 3" wide, with a depth of 2' 6". The Saenger portion, the letters that make up the name, would be lit continuously. It would also have lights around the edges on both sides that would chase, so that when they were having a performance people that were driving down Dauphin Street looking up the side streets to find the building would be able to find it.

Mr. Cummings asked if there was anyone present who wished to speak in favor, or in opposition, to this application. No one responded. Mr. Cummings asked if the Board had any further questions. There were none.

A motion was made by Mr. Lee and seconded by Mr. Coleman to approve this request for a Sign Variance to allow a 150 square foot (75 square feet per side), illuminated, double-sided, marquee projecting sign extending seven feet beyond the building wall at the above referenced location.

The motion carried unanimously.

In further comments Mr. Davitt noted that the Zoning Ordinance limited projecting signs within a historic district to a maximum 40 square feet, and it cannot project out any more than five feet from the building wall.

Ms. Cochran said there were problems with large buildings. That was the problem of having those exact dimensions, because it was really about scale. She said the only thing worse than an overwhelming sign was one that was too small.

Mr. Cummings asked how long the other sign had been down.

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Mr. Penton said the University of South Alabama took it down in the early 1980's. The old sign was laying out behind the Brookley complex essentially disintegrating.

MINUTES

The minutes of the meeting of May 2, 2005, were considered. A motion was made by Mr. Davitt and seconded by Mr. Guess to approve the minutes as submitted. The motion carried unanimously.

OTHER BUSINESS

Summer Intern

Mr. Daughenbaugh introduced Joel Potter, who is doing a summer internship with the Urban Forestry Section. Mr. Potter will be a senior at Auburn University studying for a degree in Horticulture.

The Board welcomed Mr. Potter.

Appeals

Mr. Davitt asked if there was any news on the Bishop appeal. Ms. Cochran said she had not heard anything on it.

There being no further discussion, the meeting was adjourned.

APPROVED: August 1, 2005

Chairman of the Board
ms