

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**MEETING OF APRIL 7, 2003 - 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, Jr.  
Vandlyn Pierre

**MEMBERS ABSENT**

Edley Hubbard (S)

**STAFF PRESENT**

Margaret Pappas, Planner II  
Frank Palombo, Planner I  
Tim Ashley, Planner I  
Rose Murphy, Secretary II

**OTHERS PRESENT**

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

Vice-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 Vice-Chairman voting.

**APPROVAL OF MINUTES:**

A motion was made by Mr. Collier and seconded by Rev. Cooke to approve the minutes of the meetings of February 3, and March 10, 2003, as submitted. The motion carried unanimously.

**PUBLIC HEARINGS:**

**#5171**

**(Case #ZON2003-00578)**

**David F. Sweet and Susanna J. Salter**

**251 Woodlands Avenue**

(Northwest corner of Spring Hill Avenue and Woodlands Avenue)

**Fence Height Variance to allow the construction of a 6'2" masonry wall, 4' from the street side property line; a 20' side yard setback is required from a side (South) property line in an R-1, Single-Family Residential District.**

**April 7, 2003**

Mr. David Sweet, the applicant, stated that they were requesting a Fence Variance to allow construction of a masonry fence on their property at Spring Hill and Woodlands Avenues. He went on to say that several years ago a vehicle accident destroyed a wrought iron fence along Spring Hill Avenue, and they wanted to replace it with a masonry wall. The wall would not extend to Woodlands Avenue, only the length of the rear yard. He felt the wall was needed for privacy and security.

Mr. Collier asked if the applicant was familiar with the staff recommendations.

Mr. Sweet said yes and concurred with the recommendations.

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 Fence Height Variance to allow the construction of a 6'2" masonry wall, 4' from the street side property line subject to the following condition:

- 1) the exact placement of the wall to be approved by the Urban Development Department and Traffic Engineering.

The motion carried unanimously.

**#5172**

**(Case #ZON2003-00691)**

**T. Bruce MacKinnon**

**2650 Airport Boulevard**

(Northwest corner of Airport Boulevard and Walton Avenue)

**Fence Height Variance to allow the construction of a 7' masonry wall, 3' 6" from the street side property line; a 20' side yard setback is required from a side (South) property line in an R-1, Single-Family Residential District.**

Mr. T. Bruce MacKinnon, the applicant, stated that he was requesting a Fence Variance to erect a brick fence along Airport Boulevard similar to an existing fence on the property. He felt the fence was needed for safety and security. He went on to say that he wanted to retain an existing curb cut on Airport Boulevard for limited access to the rear yard. The curb cut was permitted to the previous property owner. He noted other corner properties in the area with access from two streets. Mr. MacKinnon felt that he should not be made to bear the expense of closing the curb cut if it was required. He concurred with the remaining staff recommendations.

There was no one present in opposition.

A brief discussion centered on the necessity of removing the curb cut on Airport Boulevard. It was determined that such action would not be necessary if the proposed gate at the curb cut were eliminated.

**April 7, 2003**

A motion was made by Mr. Collier and seconded by Rev. Cooke to approve the request for a Fence Height Variance to allow the construction of a 7' masonry wall, 3' 6" from the street side property line subject to the following conditions:

1. the exact location of the wall to be approved by the Urban Development Department and Traffic Engineering;
2. the evergreen trees along Airport Boulevard be trimmed prior to the issuance of a fence permit; and
3. the proposed gate along Airport Boulevard be removed.

The motion carried. Mr. Davitt voted nay.

**#5173/5122**

**(Case #ZON2003-00692)**

**Creekline, Inc.**

(West side of Shipyard Road, 1115' ± North of Higgins Road)

**Parking Surface and Landscaping/Tree Planting Variances to allow the parking of semi-tractor trailer trucks in a B-5, Office-Distribution District; to allow an aggregate surface for parking with no tree plantings or landscaping; asphalt, concrete or an approved alternative paving surface is required for all parking and maneuvering areas, and compliance with landscaping/tree planting requirements are required for all new construction.**

Ms. Shirley Phillips, the applicant, stated that she was requesting Parking Surface and Landscaping/Tree Planting Variances to allow parking of four semi-tractor trailer trucks. Ms. Phillips stated that the trucks were used to transport mail for the U.S. Postal Service at night. She stated that an engineer prepared a drainage plan, which would be costly. She felt that gravel would be a better alternative to paving because the ground could absorb rainwater through gravel. She proposed paving the driveway access to the property, as well as a building with restroom facilities for the drivers.

Mr. Collier asked if the applicant would provide landscaping and trees if required.

Ms. Phillips said yes, if necessary. She planned to place a fence around the property for security. She showed a plan, which included landscaping and a paved driveway to the property. She noted that the property did not front Shipyard Road, but was a rear lot with a driveway access.

Ms. Heather Osborne stated that the land was subdivided to create a flag lot for the applicant. She went on to say that the access was 28' wide and approximately 193' long.

Mr. Davitt asked the size of the trailers to be parked on site.

Ms. Phillips said they were 48' in length and would be empty while parked.

There was no one present in opposition.

**April 7, 2003**

In discussion, Mr. Cummings noted that there were many other businesses in the immediate area that had aggregate parking surfaces.

Ms. Pappas stated that those existed prior to annexation of the area.

Mr. Collier felt that an aggregate surface would provide better drainage than an asphalt surface in an area prone to flooding. He noted that the applicant proposed to pave the access area from Shipyard Road to the proposed site, which would contain the aggregate surface.

A brief discussion centered on the need to require curbing to contain the aggregate surface. It was determined that provision of a vegetative buffer would sufficiently contain the aggregate.

A motion was made by Mr. Collier and seconded by Mr. Davitt to approve the request for Parking Surface and Landscaping/Tree Planting Variances to allow the parking of semi-tractor trailer trucks in a B-5, Office-Distribution District subject to the following conditions:

1. paving of entire length of driveway from Shipyard Road (at least 193' in length) to the aggregate parking area;
2. the provision of a vegetative buffer, a minimum of 15-feet in width, between the aggregate surface and the property lines; and
3. full compliance with landscaping and tree plantings requirements of the Zoning Ordinance.

The motion carried unanimously.

**#5174**

**(Case #ZON2003-00694)**

**Christopher S. Brewer**

**116 Frazer Court**

(East side of Frazer Court, 279' ± Old Shell Road)

**Side Yard and Total Combined Side Yard Setback Variances to allow the construction of a 28' x 18' 4" garage/bonus room within 5' from a side (North) property line and a total combined side yard of 12' 8"; a minimum side yard setback of 8' and a total combined side yard of 20' is required for a 74' wide lot in an R-1, Single-Family Residential District.**

Mr. Crosby Latham represented the applicant, and stated that the requested variances were to allow construction of an addition to the north side of the property. He went on to say that reducing the size of the addition would not allow sufficient space for a garage and steps to the existing dwelling.

Mr. Cummings asked if there was a garage attached to the house previously.

Mr. Latham said no. The previous owners decided the placement of the house. He felt that the proposed placement was the only possible placement in order to connect the two structures. This would allow sufficient storage space and adequate parking area.

Mr. Cummings noted that an adjoining property owner had submitted a letter of opposition.

**April 7, 2003**

There was no one present in opposition.

In discussion, Mr. Cummings noted that this application was for a single-car garage with a bonus room within 5' of the north property line.

A motion was made by Mr. Lee to deny the request for Side Yard and Total Combined Side Yard Setback Variances to allow the construction of a 28' x 18' 4" garage/bonus room within 5' from a side (North) property line and a total combined side yard of 12' 8". The motion died for lack of a second.

A motion was made by Mr. Davitt to approve the request for Side Yard and Total Combined Side Yard Setback Variances to allow the construction of a 28' x 18' 4" garage/bonus room within 5' from a side (North) property line and a total combined side yard of 12' 8". The motion died for lack of a second.

Discussion followed concerning how approval of the variance would impact adjoining property.

A motion was made by Mr. Lee and seconded by Rev. Cooke to deny the request for Side Yard and Total Combined Side Yard Setback Variances to allow the construction of a 28' x 18' 4" garage/bonus room within 5' from a side (North) property line and a total combined side yard of 12' 8".

The motion carried. Mr. Davitt voted nay.

**#5175**

**(Case #ZON2003-00706)**

**Dr. Chris Dyas**

**1108 Bristol Court**

(South side of Bristol Court, 92' ± East of Kentan Drive)

**Side Yard and Total Combined Side Yard Setback Variances to allow the construction of a 25' x 32' garage/bonus room within 3' from a side (West) property line and a total combined side yard of 13'; a minimum side yard setback of 8' and a total combined side yard of 20' is required for a 161' wide lot in an R-1, Single-Family Residential District.**

Mr. M. Don Williams, Williams Engineering, represented the applicant and stated that the request was to allow construction of a two-story addition to an existing dwelling within 3' of west side property line. The lower story would be a garage and the upper level would be a playroom, enabling existing upper storage area to be converted to bedrooms. The addition would be in-line with the existing driveway and the existing structure. He noted that the staff recommended shifting the addition forward to increase the side yard setback. He felt this would make driveway access more difficult and obscure the front of the house.

Mr. Collier noted that the structure to the southeast of the proposed addition was near its property line and felt the addition would place the two structures very close together.

Mr. Williams said that was correct, but the proposed addition would not have a window on that side.

**April 7, 2003**

Mr. Collier noted that although the proposed placement would be in-line with the existing structure, there was sufficient room to locate the addition without impacting the side property line.

Mr. Williams agreed and stated that the purpose of the proposed placement was to preclude obscuring the existing dwelling.

Mr. Davitt asked if there was fencing between the subject property and the property to the southeast.

Mr. Williams said there was a 6' fence.

There was no one present in opposition.

Mr. Collier felt there were other options available to the applicant for construction of the addition without encroaching the required setbacks.

A motion was made by Mr. Collier and seconded by Mr. Lee to deny the request for Side Yard and Total Combined Side Yard Setback Variances to allow the construction of a 25' x 32' garage/bonus room within 3' from a side (West) property line and a total combined side yard of 13'.

The motion carried unanimously.

**OTHER BUSINESS:**

**APPROVED:** May 5, 2003

/s/ Chairman of the Board

/rm