

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF MAY 7, 2012 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

William Guess, Chairman
Vernon Coleman, Vice-Chairman
Sanford Davis
Adam Metcalfe
Jeremy Milling
Russell Reilly*

MEMBERS ABSENT

J. Tyler Turner*
*supernumerary member

STAFF PRESENT

Frank Palombo, Planner II
Caldwell Whistler, Planner I
Sondi Galanti, Secretary I

OTHERS PRESENT

John Lawler, City Attorney
George Davis, City Engineering
Gerard McCants, Urban Forestry
District Chief Billy Roach,
Fire-Rescue Department

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

CALL TO ORDER/ROLL CALL

Chairman Guess called the meeting to order, advising all attending of the policies and procedures pertaining to the Board of Zoning Adjustment. He then called roll, with the following people answering at that time:

- William Guess, Chairman
 - Vernon Coleman, Vice-Chairman
 - Sanford Davis
 - Adam Metcalfe
 - Jeremy Milling
 - Russell Reilly*
- *supernumerary member

Chairman Guess noted due to feedback noise experienced from the County microphone system, the system would be turned off for the duration of the meeting.

He advised there was a quorum as there were five regular members and one supernumerary member present. He said it would require four members to vote in the affirmative to approve any matter and proceeded to call the first item on the agenda.

APPROVAL OF MINUTES:

A motion was made by Mr. Metcalfe, with second by Mr. Coleman, to approve the minutes from the July 7, 2011, meeting.

The motion carried unanimously.

HOLDOVERS:

#5744

(Case #ZON2012-00752)

Anthony Denson

704 South Broad Street

(West side of South Broad Street, 155'± North of Virginia Street).

Use, Parking Ratio, and Multiple Building Variances to allow an 800 square foot take-out restaurant with an existing detached storage building with two parking spaces in an R-3, Multiple-Family Residential District; the Zoning Ordinance requires a minimum of a B-2, Neighborhood Business District for restaurant, Planned Unit Development approval for multiple buildings on a single building site, and four parking spaces.

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

The following people spoke in favor of the matter:

- Vince LaCoste, Polysurveying of Mobile, 5588 Jackson Rd., Mobile, AL, on behalf of the applicant;
- Roland Denson, 1056 Selma St., Mobile, AL, on behalf of the applicant; and,
- Anthony Denson, 704 South Broad St., Mobile, AL, spoke on his own behalf.

They gave the following points:

- A. The applicant wanted to open a walk-up restaurant, and since the holdover, they had some new solutions that would help ease the parking concerns;
- B. Greer's Grocery Store down the road on Broad Street was willing to let the restaurant patrons park in their parking lot and had a letter from Greer's stating such;
- C. The on-site parking lot was not big enough for both employees and customers to park, so they would have employees park in the lot with a recessed gate to be erected to prevent customers from parking there with signage stating walk-up only and no cars allowed;
- D. The neighborhood in which they wanted to operate had a large walking population rather than driving population; and,
- E. The hours of operation would be from 10AM-7PM with the dumpster hours from 6AM-7AM.

Mr. Palombo stated staff would need a site plan from Greer's illustrating the number of additional parking spaces available for the applicant's use. He noted they needed 8 parking

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spaces total and while they were providing 3 parking spaces on the restaurant property, they were 5 short. He suggested those 5 spaces could be loaned from Greer's.

Mr. Coleman stated he grew up in the neighborhood and had first hand experience of the tremendous amount of foot traffic there.

Mr. Roland Denson noted that Greer's Grocery Store parking lot was used often as a meeting place and drop off location for coaches.

Mr. LaCoste noted while there was enough on-site parking provided for the employees of the restaurant he did have an issue with the large oak tree affecting the width and maneuverability of the drive.

Discussion ensued that the oak tree could not be removed and there would be enough parking for the employees with the tree remaining.

Mr. Anthony Denson stated the building in the back of the property was not used as a dwelling but just for storage.

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. Hearing none, he opened the matter for a motion.

Mr. Coleman moved to approve the variance.

Mr. Davis seconded the motion

Mr. Palombo asked that the motion include requiring a site plan from Greer's to illustrate the additional parking spaces and full compliance with all other municipal codes and ordinances.

Mr. Coleman amended his motion to require full compliance with all other municipal codes and ordinances, but without the condition of Greer's supplying a site plan for additional parking spaces.

Mr. Davis seconded the amended motion to approve the above referenced request, subject to the following condition:

- 1) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

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#5745

(Case #ZON2012-00753)

Hossein Ali Mohandessi

2600 Government Boulevard

(Northeast corner of Government Boulevard Service Road and Merwina Avenue extending to the Southwest corner of Government Boulevard Service Road and Kreitner Street).

Use and Front Setback Variances to allow an automobile sales business in a B-2, Neighborhood Business District and construction of a building within 5 feet of both the Kreitner Street property line and the Merwina Street property line; the Zoning Ordinance requires a minimum of a B-3, Community Business District for automobile sales, and setback of at least 20 feet along secondary street frontages.

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

The following people spoke in favor of the matter:

- Hossein Mohandessi, 4666 Rosewood Dr., Mobile, AL, spoke on his own behalf; and,
- Vince LaCoste, Polysurveying of Mobile, 5588 Jackson Rd., Mobile, AL, spoke on behalf of the applicant.

They gave the following points:

- A. They had revised the site plan and there would be no car hauling trucks come to the property and no 18 wheelers would park nearby;
- B. Cars would be off-loaded from the 18 wheeler at a different site and each car would be driven individually to the office site;
- C. There would be no parking in the right-of-way or in the grass as observed in other car dealerships; and,
- D. They would make the site compliant with the removal of asphalt in the right-of-way.

Mr. Milling asked what the parking space dimensions would be for the display cars and how much space would be between each car.

Mr. Mohandessi stated they had 125 feet of frontage and each space would be 6 feet wide with 12-15 inches in between each car.

Mr. Palombo asked how the stacked display cars would be moved to allow access to deeper stacked cars.

Discussion ensued about the number of parking spaces and possibly limiting the number illustrated on the site plan from 21 to 18 to allow easier maneuvering when cars had to be moved.

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. Hearing none, he opened the matter for a motion.

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A motion was made by Mr. Reilly, with second by Mr. Davis, to approve the above referenced request.

Mr. Milling expressed concerns referencing the parking and maneuvering of display cars.

Mr. Palombo stated that the number of display cars could be limited.

Mr. Davis wanted compliance assurance from the applicant that parking spaces for display cars would be limited if the motion passed.

Mr. Guess suggested limiting the amount of parking spaces to 18 show cars.

An amended motion was made by Mr. Reilly, with second by Mr. Davis, to approve the above referenced request, subject to the following conditions:

- 1) limited to eighteen (18) parking spaces for display vehicles;**
- 2) no vehicle hauler trucks allowed to off-load within the right-of-way; and,**
- 3) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

PUBLIC HEARINGS:

#5746/5449

(Case #ZON2012-00797)

William Tindall

2032 Airport Boulevard

(Northwest corner of Airport Boulevard and the CN Railway right-of-way).

Sign Variance to amend a previous Sign Variance to allow two wall signs for a tenant at a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance allows one wall sign per tenant at a multi-tenant site in a B-3, Community Business District.

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

Bill Tindall, P.O. Box 19041, Pensacola, FL, spoke on his own behalf and made the following points to support the application:

- A. The property had an unusual shape with trees that limited the visibility of the sign; and,
- B. The tenant wanted the sign in a separate location so it would be more visible to the customer.

Mr. Metcalfe asked Mr. Tindall his relationship to the application.

Mr. Tindall responded he had installed the sign. He had erroneously thought when he obtained one tenant panel permit and one wall sign permit that the wall sign permit covered both wall signs.

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Mr. Metcalfe stated the tenant was already aware the 3rd sign was not allowed and indicated he would move to deny the request.

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. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Davis, to deny the above referenced request.

The motion carried unanimously.

#5747

(Case #ZON2012-00981)

Betbeze Realty Co., (Joey Betbeze, Agent)

3585 Desirrah Drive South

(South side of Desirrah Drive South, 185'± East of its West terminus).

Use Variance to allow a catering shop in an I-1, Light Industry District: the Zoning Ordinance does not allow a catering shop in an I-1, Light Industry District.

Chairman Guess abstained from voting.

Vice-Chairman Vernon Coleman became the Acting Chairman and announced the matter, advising it had been recommended for approval and the applicant should address the Board regarding the subject at that time.

The following people spoke in favor of the matter:

- Joey Betbeze, 3345 Halls Mill Rd., Mobile, AL, spoke on behalf of the applicant; and,
- Rob Stevens, Chef Rob's Catering, 5616 Suite C Three Notch Rd., Mobile, AL, spoke on his own behalf.

They gave the following points:

- A. Stated agreement with the recommendations, then gave a brief history of the property;
- B. Furnished the Board with pictures of the required dumpster pad which was now installed at the site;
- C. The catering company would rarely have customers at the kitchen site as most of the work was done off-site; and,
- D. Asked for clarification of Condition #1 which stated a site plan was to be submitted with a compliant dumpster.

Mr. Palombo explained how the site plan would need to show a compliant sanitary sewer connection for the dumpster.

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Vice-Chairman Coleman 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. Hearing none, he opened the matter for a motion.

A motion was made by Mr. Reilly, with second by Mr. Metcalfe, to approve the above referenced request, subject to the following conditions:

- 1) **revision of the site plan to illustrate a dumpster, in compliance with Section 64-4.D.9. of the Zoning Ordinance, or the placement of a note on the site plan stating that curbside pickup will be utilized; and,**
- 2) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

#5748/5627/3332

(Case #ZON2012-01031)

Vincent Boothe

1514 South Broad Street

(West side of South Broad Street, 200'± South of Sutton Avenue, extending to Lucille Street [unopened right-of-way]).

Front Yard Setback and Vehicle Stacking Area Variances to amend a previous variance to allow a doorway awning within 15' of the front property line, and a driveway gate with a 37' vehicle stacking area in a B-5, Office-Distribution District; the Zoning Ordinance requires a 25' minimum front yard setback for building structures, and requires a 51' vehicle stacking area in a B-5, Office-Distribution District.

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

Frank Dagley, Frank Dagley and Associates, 717 Executive Dr., Mobile, AL, spoke on behalf of the applicant, and made the following points in support of the application:

- A. Claimed one of the hardships was due to the required dedication to the City of Mobile to provide a 50 foot right-of-way from the centerline along South Broad Street adding when that happened a portion of the building would then be located in the 25 foot front building setback;
- B. Noted the dedication line on South Broad Street came right to the corner of the building; therefore, the awning at 15 feet did not meet the required setback of 25 feet;
- C. They would obtain a permit for the awning;
- D. When the parking area was developed, it ended up being shifted towards the front of the property which made the stacking gate 37 feet rather than the required 51 feet away from the right-of-way;
- E. Noted a barbed wire fence had been put up without permits and they would be obtaining a permit for said fence; and,
- F. Advised the dumpster had been removed from the site.

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Mr. Coleman asked what would happen in the future to the site's compliance if South Broad Street were widened.

Mr. Dagley replied if and when South Broad Street were widened, his client would comply with the new setback lines.

Mr. Metcalfe asked staff if the state property was in compliance with the City of Mobile's codes and ordinances.

Mr. Palombo replied the property was privately owned and leased to the State; therefore, it must comply with City of Mobile codes and ordinances.

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. Hearing none, he opened the matter for a motion.

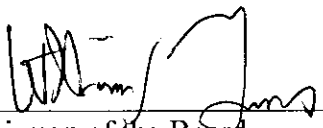
A motion was made by Mr. Coleman, with second by Mr. Metcalfe, to approve the above referenced request, subject to the following condition:

- 1) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned.



Chairman of the Board

/sg