

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF AUGUST 6, 2012 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

William Guess, Chairman
Vernon Coleman
Sanford Davis
Adam Metcalfe
Jeremy Milling

*supernumerary member

MEMBERS ABSENT

Russell Reilly*
J. Tyler Turner*

STAFF PRESENT

Frank Palombo, Planner II
Bert Hoffman, Planner I
Tchernavia Yow, Secretary I
Joanie Stiff-Love, Secretary II

OTHERS PRESENT

John Lawler, City Attorney
George Davis, City Engineering
Butch Ladner, Traffic Engineering
Gerard McCants, Urban Forestry

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

ROLL CALL

✓	William Guess, Chairman
✓	Vernon Coleman, Vice-Chairman
✓	Sanford Davis
✓	Adam Metcalfe
✓	Jeremy B. Milling
✗	Russell Reilly
✗	J. Tyler Turner

CALL TO ORDER:

Chairman Guess 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. He advised that it would require four members present to vote in the affirmative to approve any variance and then called the meeting to order.

HOLDOVERS:

#5759

(Case #ZON2012-01364)

Randall Lanier Wood

4812 Pine Court

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Board of Zoning Adjustment

(North side of Pine Court, 120'± East of Ridgelawn Drive West)

Side Yard Setback Variance to allow the construction of an carport within 2.6 feet of the side property line in a R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum side yard setback of 8 feet (with the sum of both side yards totaling 20 feet) in an R-1, Single-Family Residential District.

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

Lanier Wood, the applicant, 4812 Pine Court, Mobile, AL, spoke on behalf of himself and made the following points in favor of approving the variance:

- He stated that the plans were adjusted to 5 ft 6 in, so that the carport could be closer to the house, not knowing the standard.

Mr. Metcalfe stated that there is a 7 ½ ft. drainage and utility easement on the side which has been discussed previously. He asked the applicant has that been resolved.

Mr. Wood stated that he has the tentative approval. He stated that he has verbally contacted the utility companies, and is now waiting on the letters from each to resubmit for a final approval.

Mr. Metcalfe asked the staff if this application was approved would it still be subject to the applicant's ability to obtaining a release of those easements.

Mr. Palombo confirmed that it would be subject to the vacation process of that easement.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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 approve the above referenced request, revising it to a 5 foot 6 inch side yard setback and subject to the following conditions:

- 1) **completion of the drainage / utility easement vacation process; and**
- 2) **full compliance with municipal codes and ordinances, including the obtaining of permits required for the proposed work.**

The motion carried unanimously.

#5760/5674

(Case #ZON2012-01375)

Gulf Coast Hub Caps & Wheels, Inc.

3257 Spring Hill Avenue

(Southwest corner of Spring Hill Avenue and Durant Street)

Side Street Setback and Site Coverage Variances to allow a building expansion within 4.5' of a side street property line and 54% site coverage in a B-3, Community Business District; the Zoning Ordinance requires a 20' side street building setback and allows 50% maximum site coverage in a B-3, Community Business District.

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

Jerry Byrd, Byrd Surveying Inc, 2609 Halls Mill Road, Mobile, AL, spoke on behalf of the applicant and made the following points in favor of approving the variance:

- Mr. Byrd stated that the applicant understands and is ok with the conditions.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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. Davis, to approve the above referenced request, subject to the following conditions:

- 1) **revision of the site plan to depict a sidewalk along Durant Street;**
- 2) **submission of a revised site plan to the Planning Section for the variance files reflecting the sidewalk provision;**
- 3) **approval limited to the revised site plan;**
- 4) **submission of a variance application for tree and landscape deficiencies prior to any issuance of a land disturbance permit; and,**
- 5) **full compliance with all other municipal codes and ordinances, including Building Code, Fire Code, Electrical Code, Mechanical Code, Plumbing Code and the sign regulations of the Zoning Ordinance (for the unpermitted signs at the business), with submittal for permits for all code compliance to take place prior to the expiration of the variance approval.**

The motion carried unanimously.

#5762

(Case #ZON2012-01527)

The Creel Company

3804 Norwood Lane

(North side of Norwood Lane, 70'± West of Stimpson Lane [not open] extending to the South side of Isabella Lane [not open] 100'± West of Stimpson Lane [not open])

Surfacing, Tree Planting and Screening Variances to allow a contractor's storage yard in an I-1, Light-Industry District, (rezoning pending) with a partially open vegetative buffer, aggregate parking surface and no tree planting; the Zoning Ordinance requires the storage area to be completely enclosed with an 8' high wall or privacy fence, the equipment parking area to be paved in asphalt, concrete, or an approved alternative paving surface, and full compliance with tree plantings.

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

Derek Peterson, Peterson Company, 8081 Oakhill Drive, Mobile, AL, spoke on behalf of the applicant stating that he was ok with the recommended holdover.

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The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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. Davis, to holdover the above referenced request for the September 10, 2012 meeting to allow the applicant to revise the site plan to incorporate any pertinent conditions of approval of the subdivision and rezoning, if both should be approved at the Planning Commission's August meeting.

The motion carried unanimously.

PUBLIC HEARINGS:

#5764

(Case #ZON2012-01706)

Victor Sign Company (Orin Robinson, Agent)

3201 Airport Boulevard

(South side of Airport Boulevard near main building entrance to Colonial Bel Air Mall)

Sign Variance to allow three 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. He advised the applicant should address the Board regarding the subject at that time.

Orin Robinson, Victor Sign Company, 5000 Whitworth Lane, Mobile, AL, spoke on behalf of the applicant and made the following points in favor of approving the variance:

- They have permitted and installed the "V" logo, "VERSONA" and "ACCESSORIES" letters.
- They are wanting to put the word "Versona" on each of the two awnings
- The letters that they want to install on the two awnings will be approximately 6 inches tall with a 4 foot spread.
- The awnings are approximately a little over 5 feet long.
- This is a brand of Cato.
- This will be the first store in the Alabama market and they are trying to create a consistent branding.
- They have updated the original concrete block wall to bring it up to date.

The Chair stated that a lot of applications for additional signs on the frontage road have been denied based on the number and the way the property is set up.

Mr. Metcalfe asked the staff how the square footage of the main sign relate to the percentage of the facial area

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Mr. Palombo stated that it has to be less than 30%, which it is. He included that the two other signs are considered two separate signs because they are on the same face wall. If the signs were on the wall and within the original sign it could be blocked.

Mr. Robinson stated that even as the signs sit they are only 1 to 2 square feet over the requirement.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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. Guess, with second by Mr. Davis, to approve the above referenced request.

The motion carried unanimously.

#5765

(Case #ZON2012-01721)

Electric Sign Service (Robert Williams, Agent)

4439 Rangeline Road

(Northwest corner of Rangeline Road and Halls Mill Road)

Sign Variance to allow the replacement of a nonconforming wall sign with another nonconforming wall sign in a B-3, Community Business District; the Zoning Ordinance does not allow a nonconforming sign to be replaced with another nonconforming wall sign in a B-3, Community Business District.

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

Robert Williams, Electric Sign Service, 1150 Palmetto Street, Mobile, AL, spoke on behalf of the applicant and made the following points in favor of approving the variance:

- They have already installed some signs at the location.
- This is an area that has been annexed into the city.
- Lowe's requires a lot of specifics when a piece of property is purchased.
- Due to the UL situation the particular individual neon channel letter signs that they have are not able to be refaced, so they want to put up a sign at the old Ryan's.

The Chair asked if he'd seen, and was in agreement with the staff recommendations.

Mr. Williams said he did see the recommendations, and that he was in agreement with them.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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. Coleman, to approve the above referenced request, subject to the following conditions:

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- 1) completion of the permitting process for the front wall logo sign; and,**
- 2) full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

#5766/5167

(Case #ZON2012-01738)

Stericycle, Inc.

1660 East I-65 Service Road North and 3404 Beltline Park Drive South

(North side of Beltline Park Drive South, extending from East I-65 Service Road North to Beltline Park Drive East)

Use, Surface, and Shared Access Variances to amend a previously approved Surface Variance and allow a medical waste facility with aggregate surface and shared access between two building sites in an I-1, Light Industry District; the Zoning Ordinance requires I-2, Heavy Industry District, with Planning Approval for a medical waste facility, and surfaces must be paved with asphalt, concrete, or an approved alternative paving surface with all access on-site in an I-1, Light Industry District.

Mr. Guess recused himself from discussion and voting on the matter.

Mr. Coleman, acting as the Chair, announced the matter, advising it had been recommended for approval. He advised the applicant should address the Board regarding the subject at that time.

The following people spoke on behalf of the application:

1. Angela McArthur, Prudential Cooper & Company, 900 Hillcrest Road, Suite A5, Mobile, AL, on behalf of Stericycle, Inc.
2. Dennis Moore, 5715 Iron Works Road, Theodore, AL

They made the following points in favor of approving the variance:

- They concur with the staff's recommendation for approval and tree requirements.
- They do not concur with the portion recommended for denial.
- The aggregate surface has been there for the life of the building. All other tenants have been able to utilize it, and their intended use will also benefit from the use of it the way it is.

Mr. Coleman asked if the operation was the same as the prior use.

Ms. McArthur stated that the prior tenant was a roofing company and that Stericycle, Inc falls under an I-2 classification due to the materials that the trucks coming into the site will contain.

Ms. McArthur presented a handout to show what will go on at the site.

Mr. Metcalfe asked how the stone surface in the back of the building will be used.

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Mr. Moore stated that they would only be parking either box trucks or trailers, but the facility staff vehicles would be in a separate area.

Ms. McArthur stated they have looked for another location that meets the criteria for I-2 since February, and only found one. They were unable to lease it because another company leased it before they could.

Mr. Coleman asked the staff about the maneuverability based on the size of the vehicles coming in and out of the site.

Mr. Palombo said yes, it does. The rear parking area is aggregate and the lot to the rear that they wish to use complies with tree, landscaping and parking surface requirements. The I-2 requirement was required do to the medical waste being transported which is considered hazardous.

Mr. Coleman asked if there were any stipulations that needed to be put in place for the applicant to comply.

Mr. Palombo stated that the approval for shared access would need to be approved with all of the conditions.

Mr. Milling asked for clarity that nothing would be broken down at this facility and that it would only be used as a transfer facility from one vehicle to another in sealed containers.

Ms. McArthur confirmed that boxes will be moved from smaller trucks to larger ones, and once the truck is filled they would leave the site.

Mr. Milling asked how long was the estimated time that the trucks would be on site before they would be moved.

Mr. Moore stated that they don't anticipate that the trucks would be on site any longer than 24-48 hours. Just long enough to fill the trucks and make maximum use of the space on the trucks.

Mr. Coleman asked how the area would be protected from the public during the 24-48 hour time frame that they would be on site.

Mr. Moore confirmed that the waste is locked inside the trucks behind a chain-link fence at all times.

Mr. Palombo stated that staff recommends full compliance with the tree requirements for the entire site to include the lot that fronts Beltline Park Drive South as well.

Mr. Coleman asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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. Milling, to approve the above referenced request, subject to the following conditions:

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- 1) full compliance with the tree requirements of the Zoning Ordinance for the entire site;
- 2) full compliance with the landscaping and tree requirements of the Zoning Ordinance for the asphalt parking lot development; and,
- 3) full compliance with all other codes and ordinances.

The motion carried unanimously.

#5767

(Case #ZON2012-01744)

Cellular South Real Estate

6301 Airport Boulevard

(West side of Schaub Avenue at its North terminus)

Use, Height, Setback and Buffer Separation Variances to allow a 100' monopole cellular communications tower in an R-1, Single-Family Residential District, setback 22.5' from a lease parcel line and 22.5' from residentially zoned property; the Zoning Ordinance prohibits telecommunications towers in R-1 districts, the maximum height allowed is 35', a 100' high tower must be setback at least 100' from a lease parcel line, and a 200' buffer separation from residential property is required in an R-1, Single-Family Residential District.

Mr. Milling recused himself from discussion and voting on the matter.

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

The following people spoke on behalf of the application:

1. Brooks Milling, Hand Arendall, 11 N Water Street, Mobile, AL, spoke on behalf of Cellular South.
2. Bess Rich, Councilperson for the area, 625 Cumberland Road E, Mobile, AL

They made the following points in favor of approving the variance:

- All the variances being requested are all necessary to construct a cellular communications tower on the Airport Blvd Baptist Church site.
- It would be located on a grassy area in the middle of the parking lot.
- The applicant is fine with the conditions recommended by the staff.
- The tower design is basically a 100 ft light pole that will have a street light at the 30 ft height.
- It will be a 40 foot by 40 foot, 6-foot wooden fenced area on a 45 foot by 45 foot site.
- The residents in the nearby area have met with individuals from the company and are very comfortable with everything.

Mr. Guess asked what the normal distance between towers was.

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Mr. Billing stated that with this one, they are looking for about a ½ mile radius due to the high traffic/high density area for communications.

Mr. Palombo asked would this be an opportunity for a co-location.

Mr. Milling stated that there are 3 locations on the tower, so it would be the applicant and 2 other cellular providers, so yes.

Mr. Guess asked would there be equipment on the outside of the pole or was it all internal.

Mr. Billing stated that all equipment would be internal.

Ms. Rich asked about the placement being approved by Traffic Engineering to prevent conflict of movement within the parking lot, which could possibly change what the neighbors know as the location.

Mr. Guess asked were there any other issues that the residents may have.

Ms. Rich stated that the residents understood and was fine with everything as it was, and that they expressed concerns about the buffers, which she noted was already covered in the conditions.

Mr. Lander stated that he couldn't tell from the plans where the nearest parking stall or isle was to the pole.

Mr. Billing responded that it will not impact any of the parking areas. It will be located on a grassy area behind a shed. There are no stripped parking spaces in that area.

Mr. Ladner asked were the spaces currently being used for parking.

Mr. Billing replied that the parking is available so that Sundays the congregation could use it if needed.

Mr. Guess stated that he visited the site and didn't see any evidence of parking in the grass

Mr. Ladner stated that if that was the case, there would have to be some type of barrier in place.

Mr. Billing stated that there will be a 6-foot privacy fence around the entire site.

Mr. Ladner stated that would be fine.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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 conditions:

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- 1) **verification that the compound will not cause conflicts with the traffic flow or parking for the church, to be coordinated with Traffic Engineering;**
- 2) **revision of the site plan to provide a 6' high wood privacy fence around the equipment compound;**
- 3) **revision of the site plan to eliminate barbed wire or any other type of hazardous fencing around the compound;**
- 4) **full compliance with the landscaping and tree planting requirements of the Zoning Ordinance, to be coordinated with Urban Forestry;**
- 5) **the provision of a Certificate of Insurance naming the City of Mobile as an additional insured; and,**
- 6) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

#5768

(Case #ZON2012-01748)

Olensky's, Inc. (Ben Cummings, Agent)

7156 Airport Boulevard

(Northwest corner of Airport Boulevard and Park Avenue North, extending to the Southwest corner of Dickens Ferry Road and Park Avenue North)

Parking Ratio Variance to allow 171 on-site parking spaces for a multi-tenant commercial site with a proposed restaurant in a B-3, Community Business District; the Zoning Ordinance requires 219 on-site parking spaces for this site, with a restaurant, in a B-3, Community Business District.

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

Ben Cummings, Cummings Architecture Corporation, 1 Houston St, Mobile, AL, spoke on behalf of the applicant and made the following points in favor of approving the variance:

- The staff report states the variance shall not be contrary to the public interest, a special condition exists that creates a hardship and that the spirit and intent of the ordinance should be observed. He believes that all three points exist.
- The owner wants to lease a portion of the shopping center to an Italian restaurant. The change in use would cause the parking ratio to change, but they propose the addition of approximately 28 new parking spaces by restriping the parking lot.
- The shopping center was constructed in the county several years ago where there were no parking standards. The property was annexed into the city recently.
- The site is completely built out and there is no way to add anymore parking than what is shown to meet the parking requirements
- The hardship is having to conform to standards after the building was constructed in a district where the parking standards were not required.
- The owner recognizes that a restaurant requires more parking than retail spaces. In order to furnish additional parking spaces, the owner intends to restripe the parking lot.
- The proposed parking plan will utilize the site to its maximum potential by striping portions of the lot that currently are not stripped.

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- 171 spaces will be provided where there are currently only 143 existing spaces in order to try and comply with the spirit of the ordinance.
- The site does not and can not meet the requirements of the ordinance even if a restaurant was not proposed.
- The site would still be deficient by about 26 spaces even if a retail store occupied the space instead of a restaurant.
- The owners have made an attempt to clean up the site.
- The owner has removed propane tanks and an old sign to reduce some clutter that was on site.

Mr. Milling asked what the prior use of the site was.

Mr. Cummings stated it was a produce store.

Mr. Milling asked had there been any additions in the last 3 to 5 years.

Mr. Cummings stated that the building had been in the same configuration for a very long time. It has not changed in size or configuration in at least the 10 years he's been acquainted with the building.

Mr. Milling asked what the existing parking at the height of retail hours was, and what type of occupancy currently exists during that time.

Mr. Cummings used the aerial photograph to the asphalt area that the plans are proposing to stripe. He stated that the center operates just fine without those spaces. He feels that the additional spaces could be potentially for the restaurant.

Mr. Milling asked the applicant did he have a feel for the vacancy availability outside of this location.

Mr. Cummings stated that there were some areas classified as warehouse. They are large storage spaces, that aren't really occupied by people. The smallest, most southward portion of the building is vacant. He used the map to point this area out as well.

Mr. Metcalfe asked for the square footage of the vacant space.

Mr. Cummings stated it was 2400 square feet.

Mr. Metcalfe asked did the calculation of 219 parking spaces take into consideration the warehouse requirements, or all retail

Mr. Palombo stated that the 219 parking spaces did include both retail and warehouse requirements.

Mr. Guess asked was any of the lot striped, because if it was, it was worn.

Mr. Cummings stated the applicant's intent was to stripe the entire parking lot.

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Mr. Palombo stated that there are about 12 of these parking spaces that maneuver within the right of way on Airport Blvd. He also stated that if the board decides to approve the application, elimination of the 12 parking spaces that were a safety issue on Airport Blvd should be considered.

Mr. Ladner stated that the 12 spaces in question could be problematic he would have to take a closer look at it.

Mr. Cummings stated that they aren't opposed to not stripping the area.

Mr. Metcalfe asked are the trucks backed up to the front of the building in the aerial photos box trucks or what is coming in and out.

Mr. Cummings stated he was unaware of the size of the trucks, but they are longer than a parking stall.

Mr. Metcalfe stated that his possible concern is that increased traffic and parking spaces, the trucks may have increased difficulty.

Mr. Cummings stated that the configuration of spaces in that area stays the same as it is now.

Mr. Metcalfe asked was there a reconfiguration as well.

Mr. Cummings used a projected photo to show the main changes in the center and to the left of the lot. He stated that everything else is pretty close to what was currently there.

Mr. Guess asked was there access from the rear of the complex to any of the suites.

Mr. Cummings stated that there is 1 unit with a rear roll up door with a small paved area, but the majority of the access is through the front.

Mr. Coleman asked what the proposed hours of operation for the restaurant were.

Mr. Cummings stated that it would be general restaurant hours.

Mr. Coleman asked what the current stores there hours of operation were.

Mr. Cummings stated that most of the stores were daytime business stores, but the convenience store is open at night, but is on the opposite side of the site.

Mr. Ladner stated that under further consideration the proximity of the parking stalls close to the right of way weren't a problem, but when a vehicle is backing out, and one pulling in there may be a conflict that would cause concern. He recommended curbing the area and closing part of the curb off. He asked what the existing situation was.

Mr. Cummings stated that the spaces were currently striped like that now and he would prefer to eliminate the stripes rather than adding any curbing to avoid the additional cost associated with it. But they would be open to deleting striping.

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Mr. Ladner stated it would have to be done in a way that it would be clear to motorist that the questionable space is not to be used. A physical barrier of some kind would be needed to stop people from parking in the area.

Mr. Cummings asked could it be stripped so that it was obviously visible that it was not an intended parking space.

Mr. Ladner stated as long as it was done in a manner that if the parking got full, people could not park in the space.

Mr. Metcalfe asked about the maximum occupancy of the restaurant.

Mr. Cummings stated that it would be less than 2400 square feet for the occupied number of people, due to the kitchen space as well as the space for table and chairs.

Mr. Metcalfe stated that this would indeed be a pretty small restaurant, and he doubts that what is going on the west end would be affected by such a small restaurant.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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. Guess, with second by Mr. Davis, to approve the above referenced request, subject to the following conditions:

- 1) **coordination with Traffic Engineering regarding existing parking spaces which back into the right-of-way of Airport Boulevard, to possibly remove those spaces and/or create a controlled entrance near these spaces; and,**
- 2) **full compliance with municipal codes and ordinances.**

The motion passed unanimously.

#5769

(Case #ZON2012-01751)

Robert Myers (M. Don Williams, Agent)

5000 Carmel Drive North

(North side of Carmel Drive North at the North terminus of Springpark Drive East)

Rear and Side Yard Setback Variances to allow a garage/storage building within 3' of the rear property line and 4' of the side property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires an 8' rear yard setback and an 8' side yard setback for structures in an R-1, Single-Family Residential District.

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

Don Williams, Williams Engineering, 6300 Piccadilly Square Dr., Mobile, AL, spoke on behalf of the applicant and made the following points in favor of approving the variance:

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- The house backs up to the Treasure Forest of Mobile Botanical Gardens.
- There is a wooded area behind the house, which other property owners in the area have taken advantage of over the years.
- Other area property owners have put outside storage buildings in the back of their properties.
- Provided pictures that showed the applicants currently have no covered car parking area, and have to park their cars out in the weather.
- Proposes creating a single car garage with a storage room to the side of it.
- It doubles the size of the current storage shed.
- There is a 5 foot side yard setback to the right where the driveway comes in and makes a straight line. If it was moved over to 8ft, that would cause a significant jog into the backyard.
- There is currently a 0 setback to the rear line.
- The proposed building allows a 3-foot space for gutters and down spouts to work to prevent roof water from going directly on to neighboring property.
- The footprint is a little larger, but allowing more space in the rear, but keeping the same setbacks on the right.
- The staff recommendations to use the brick patio at the rear of the house caused concern for the applicants because the patio has two double French doors leading from the kitchen and the living room onto the patio.
- That would cut off light and access to those areas and be contrary to their goal of having the openness into their backyard.
- 8 ft difference in elevation across the backyard
- The storage room has been there a long time. It will be very compatible. Will look exactly the same from the street and side views.
- The best place to put it based on maneuverability. If it was placed more in the middle of the lot, the cars would have a very hard time maneuvering in and out, which would defeat the purpose of a single car garage.

Mr. Palombo asked if there were any rear or side yard easements.

Mr. Williams stated that he wasn't aware of any easements or utilities on the side or rear of the yard.

Mr. Milling asked about the feedback from the neighbors.

Mr. Williams said there had been no feedback. The applicants talked to their neighbors and they have expressed support.

Mr. Milling stated that it appears according to the projected photos, that the neighbors have pretty similar structures.

Mr. Milling asked the staff was the ordinance put into place to protect adjoining neighbors from activity that would encroach on adjacent properties.

Mr. Palombo confirmed that maintenance of the building, proper air, light and possible fire is some of the things protected by the ordinance, and that a 3-foot setback was below the standard. The Board looks at a 5-foot setback with gutters and down spouts.

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Mr. Guess stated that he is familiar with past controlled burns in this area where the fires have gotten to the rear of the properties.

Mr. Williams' response was that if there is 500 feet between the property and Museum Drive, 2 feet wouldn't make a difference and the applicants are willing to take that risk.

Mr. Milling asked does staff, what was the issue of moving over 1 to 2 feet.

Mr. Williams stated that if it needed to be moved to 5 feet, the applicants would be willing to do 5 feet on the right side and the rear.

Mr. Guess stated that was more consistent with past decisions of the board.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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. Milling, with second by Mr. Metcalfe, to approve the above referenced request, revising it to provide a 5-foot side and rear yard setback with gutters and downspouts.

The motion carried unanimously.

A brief recess was taken at 3:07PM. The meeting was called back to order at 3:11PM

#5770

(Case #ZON2012-01752)

Buddy & Susan Roberts (M. Don Williams, Agent)

3000-D Bryant Road

(Northern terminus of Bryant Road)

Side Yard and Combined Side Yard Setback Variances to allow HVAC units within 6.1' of a side property line with 16.4' of combined side yards in an R-1, Single-Family Residential District; the Zoning Ordinance requires an 8' side yard setback with a 20' total combined side yard setback in an R-1, Single-Family Residential District.

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

Don Williams, Williams Engineering, 6300 Piccadilly Square Dr., Mobile, AL, spoke on behalf of the applicant and made the following points in favor of approving the variance:

- Original site plans showed the A/C units in the rear yard.
- There is +/- 10 feet on both the right and left side yard and a large front yard set back to maintain a large prominent Live Oak tree.
- The large setback placed the applicant very close to a hill with a dropdown.
- The house is 10 to 12 feet above the river level.

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- Hence, the builder builds the home putting the units in the right side yard because it was a flat area, and the back yard area would have placed them on a slope.
- One unit is 36 inches high and the other is 54 inches high. The 54 inches high unit is taller than 3 feet high, and therefore not allowed.
- The house to the right is closer to the street, so it's only their pool and then rear yard.
- The end of the house to the right is setback to the point before the applicant's garage begins.
- There will not be noise or accessibility factors because it is located well into the neighbor's backyard.

Mr. Coleman asked about the noise factor from the neighbors.

Mr. Williams stated that there had not been one that he was aware of.

Mr. Metcalfe asked was the house outside of the setback requirements.

Mr. Williams stated that the house fully complied with all four setbacks.

Mr. Metcalfe asked what the distance was between the units and the property line.

Mr. Williams stated the distance was +/- 6 feet.

Mr. Guess stated that from the pictures it appears to be some level area to the north end of the property.

Mr. Williams stated that if the application was denied, that is where the units would have to be moved. He went on to say the issue would become that the move would add about an additional 40 feet to the Freon and condensate lines, so the efficiency of the units would go down.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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. Guess, to approve the above referenced request.

The motion carried unanimously.

#5771

(Case #ZON2012-01753)

Chapman Development Corp.

3828 Abigail Drive

(North side of Abigail Drive, 640'± East of Rangeline Service Road)

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Access, Maneuvering and Surface Variances to allow a 16' wide entrance drive and 12' wide gate clearance, a 22' wide maneuvering area, and an aggregate-surface lay down yard in an I-1, Light Industry District; the Zoning Ordinance requires a minimum 24' wide entrance drive and gate clearance, a 24' wide maneuvering area, and requires a lay down yard to be surfaced with asphalt, concrete or an approved alternative paving surface in an I-1, Light Industry District.

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

Doug Anderson, 11 North Water Street, Mobile, AL, spoke on behalf of the applicant and made the following points in favor of approving the variance:

- Lots 1 and 2 were developed in the county before being annexed into the city.
- Lot 1 originally had an office building and a subdivision plat was completed for the remaining 17 lots to be zoned I-1 for light industrial use.
- Had the same building designed for lot 19 on the previous lot prior to annexation.
- Driveway was constructed the same as well.
- There was no intent to do anything against the rules.
- A temporary CO has been issued, but a final CO can not be issued until the issue is resolved.
- It would be an economic waste to be required to tear down the brick wall on the lot to rebuild it to meet the requirements of a 24-foot driveway. The existing driveway is 16 feet.
- The tenant has moved in pursuant to the temporary CO and has no problem with the design of the current driveway.
- The tenant does not have 18-wheeler traffic coming in.
- The 16-foot wide driveway will not pose a problem to the traffic that will come thru.
- There will be no need for a lay down, because there will not be an industrial use.
- Want to use shell, to allow for better drainage, maintenance and upkeep.
- It is in a fence, and will not be seen by any neighbors.
- The dumpster that is there was put there by the tenant.
- The tenant has been asked to remove the dumpster since, so that should be in compliance at a nearby date.

The Chair confirmed that the aggregate area in the back was not for any lay down, and asked could the area remain a green space.

Mr. Anderson stated that it was a small area and the shell was already there, so in comparison to the upkeep of the grass as far as maintaining it, the shell was more efficient, and would provide better drainage.

The chair stated that according to the pictures provided by Mr. Anderson, the retention area appears to be uphill.

Mr. Metcalfe stated that he visited the site, and the pictures show the back side of the retention area which is elevated.

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The Chair asked was there a need for any kind of dumpster.

Mr. Anderson stated that there was not, which is why the tenant has been asked to remove it.

Mr. Milling asked what the plan was moving forward, and would this be a problem each time.

Mr. Anderson stated that he asked staff if it would be possible to apply the same variance for the entire subdivision.

Staff stated to keep the uniformity of the buildings, the applicant would need to submit an application for each.

Mr. Milling stated that after seeing the site and hearing the discussion of the expense, it would be logical to come to a "happy medium" at 16 feet.

Mr. Anderson stated that they would ask for a 16 or 12-foot driveway instead of the required 24 feet.

Mr. Milling asked the staff what was the distance with a 24-foot driveway if there was 18-wheeler access on the site.

Mr. Palombo stated that 24 feet allows emergency access vehicles to the rear. The fire department has a 20-foot minimum.

Mr. Ladner stated that Traffic Engineering, it is to allow 2 way traffic. Fire has their own concerns for access, but since the rules stand, its not fair to make exceptions for everyone. It should be taken on a case by case basis. Although the current use may not have require that type of traffic, there is no guarantee that the site will maintain the same use, hence the 2-way traffic guidelines.

Mr. Anderson stated that when the site was developed enough fire hydrants were put on Abigail so that every building can be reached with a fire hydrant so that there does not have to be a fire truck actually driving thru the gate to the back of the building.

The Chair asked did the building have a sprinkler system.

Mr. Anderson stated that it does not.

The Chair stated that the fire department traditionally has to be able to access all the way around the building, and in this case they wouldn't be able to because the access is less than 20 feet. He stated that the fire hydrant distance was unrelated. Access around the building will be an issue due to the lack of a sprinkler system.

Mr. Anderson stated that a fire truck can get to the back of the building thru the 12-foot gate, but he doesn't think there would be a need for it due to the location of the fire hydrants.

The Chair stated that Mr. Anderson's statement would have to be confirmed by the fire department. He was concerned that the fire department was not present to give input on the access issues or requirement.

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Mr. Hoffman commented that the report states that the site as it was developed was not per the submitted plans. Hence, what was submitted to the City to be constructed was not followed. The property is approximately 300 feet deep and 125 feet wide. About ½ of it is the rear area, which is a relatively large area to gravel in. Although an application was submitted to have variances for the entire remaining development of the subdivision, but since each variance is site plan specific, each site would have to come back for the same type of approval.

Mr. Davis asked if the Chair's issue with the fire department requirements would prevent the board from moving forward.

Mr. Palombo stated that the site has a temporary CO and that if the fire department was not satisfied, it wouldn't have received it. If they are not satisfied after the Board's review, the site will not receive a full CO.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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 municipal codes and ordinances.

The motion carried unanimously.

#5772

(Case #ZON2012-01755)

Image Designs, Inc.

2010 West I-65 Service Road South

(West side of West I-65 Service Road South, 3/10 mile± South of Government Boulevard)

Sign Variance to allow five wall signs for a two-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance limits the number of wall signs to one per tenant on a multi-tenant commercial site in a B-3, Community Business District.

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

The following people spoke on behalf of the application:

Brad Wells, Health Spring, 2010 W I-65 Service Rd South, Suite B, Mobile, AL

Matt White, White-Spinner Construction, 3201 Dauphin St, Mobile, AL

- Building was originally a single tenant occupancy. In 2009 the building was approved for and became a multiple tenant occupancy.
- Health Spring is the current tenant, and is a national company.

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- Services over 10,000 medicare aged individuals in the Mobile area.
- Currently has no exterior signage for the business.
- The Service Road is not easily seen or accessible.
- One sign will face I-65 and the secondary sign above the entrance which is not at the front of the building because Health Spring is the secondary tenant to the building.

The Chair asked how many tenants were in the building.

Mr. Wells stated that there were 2 tenants in the building.

The Chair confirmed that the applicant was asking for 5 wall signs and 2 tenant signs.

Mr. Wells stated that there were currently 3 wall signs from the previous tenant, and they were requesting 2 additional signs. He presented a letter from Government Street Baptist Church which is the adjacent property. The letter was in approval of the additional signage.

Mr. Metcalfe asked was the style of the sign individual letters like the “White-Spuffers” sign currently on the building.

Mr. Wells responded that they were non-illuminated.

Mr. Metcalfe asked would the sign be under or above the existing signage.

Mr. Wells stated that it would be under.

Mr. Metcalfe asked how close the signs would be.

Mr. Wells stated that it was approximately 3 feet away.

Mr. Hoffman stated that the “White-Spinner” sign is closest to the interstate, and the Health Spring sign will be towards the back of the building and is shown as the two stars on the site plan on the projector.

The Chair asked if the applicant had any intentions to have a monument sign out front.

Mr. Wells stated that the intentions were only for the wall signs and freestanding signs.

Mr. Milling asked did the building have additional space that would require additional signage of new tenants.

Mr. White stated that the plan was that either White-Spinner occupies that space or Health Spring continues to expand and grow into the entire building.

Mr. Hoffman stated that the 3 existing signs for White-Spinner are 194 square feet each and the Health Spring signs are proposed to be 78 square feet each.

Mr. Palombo stated that they meet the percentage of allowed signage, the number of signs that is problem.

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The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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 municipal codes and ordinances.

The motion carried unanimously.

#5773

(Case #ZON2012-01765)

McNeill Robinson (M. Don Williams, Agent)

362 Tuthill Lane

(Southeast corner of Tuthill Lane and Tuthill Place)

Front Yard Setback, Side Street Yard Setback and Site Coverage Variances to allow an existing 22' front yard setback and 17' side street yard setback to remain, and expand site coverage from 42% to 45% for an existing dwelling in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 25' front yard setback and a 20' side street yard setback, and limits maximum site coverage to 35% in an R-1, Single-Family Residential District.

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

Don Williams, Williams Engineering, 6300 Piccadilly Square Dr., Mobile, AL, spoke on behalf of the applicant and made the following points in favor of approving the variance:

- Requesting 36% coverage instead of the earlier original 45% coverage.
- There is no longer an issue with the front or side yard.
- Asking for 1% more in coverage than the 35% required in the zoning ordinance in an effort to go on with the project as originally designed.
- Setback request are moot now according to the staff reports on the front and the left side.

The Chair asked was the applicant requesting any side or rear setback.

Mr. Hoffman stated that there was no need for the side or rear setback because when the structure was built, originally it was built in conformance with the regulations. Therefore, its non-conforming and the applicant is not proposing any changes to those issues.

The Chair confirmed that the 1% site coverage was the only thing before the board now.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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. Coleman, with second by Mr. Davis, to approve the above referenced application, revising it to only request 36% site coverage, and determining that front and street side yard setbacks were unnecessary.

The motion carried unanimously.

#5774/4459/4458/4453

(Case #ZON2012-01770)

Rainbow Sign Company (Craig Inabinett, Agent)

1550 Government Street

(Northwest corner of Government Street and South Catherine Street)

Sign Variance to amend a previously approved sign variance to allow an additional 108.8 square feet of signage for a total of 277.8 square feet of signage for a tenant at a multi-tenant commercial site in a Historic District; the Zoning Ordinance allows a maximum of 64 square feet of total signage per tenant in a Historic District.

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

Craig Inabinett, Rainbow Signs, 112 Elery Terrace, Summerville, SC, spoke on behalf of the applicant and made the following points in favor of approving the variance:

- Applicant agreed with staff's recommendations.

The Chair asked if there were any more questions from the Board. Hearing none, he asked if there were those present 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. Davis, to approve the above referenced request, subject to the following conditions:

- 1) **approval of the sign by the Architectural Review Board; and,**
- 2) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

#5775

(Case #ZON2012-01781)

Centralite (Mike Dow, Agent)

1000 Cody Road South

(West side of Cody Road South, 285' ± North of Hitt Road)

Use and Parking Ratio Variances to allow light assembly of electronics equipment and 164 parking spaces at a commercial site with 57,026 square feet of office space, 40 warehouse/assembly personnel, and one maintenance person in a B-2, Neighborhood Business District; the Zoning Ordinance requires a minimum of B-3, Community Business District, for light assembly of electronics equipment, and requires a total of 206 parking spaces for 57,026 square feet of offices, 40 warehouse/assembly personnel, and one maintenance person in a B-2, Neighborhood Business District.

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

Mike Dow, Centralite, 1012 Palmetto Dr., Mobile, AL, spoke on behalf of the applicant and made the following points in favor of approving the variance:

- Applicant agreed with the staff's recommendations.

The following people spoke in opposition of the application:

Beatrice Thompson, Lakewood Road, Mobile, AL

Evelyn Duffy, 941 Quail Hollow Road, Mobile, AL

- Has been living there before anything was built there. The site was supposed to be a part of the subdivision.
- The noise and lights from the site distracts the everyday lifestyle of the residents
- The A/C unit on top of the building can be heard at the resident.
- Unable to hold outside conversations from all of the noise.
- Previous tenants were more accommodating to the fact that this area is a residential community.
- There is a swamp next to the site that should be a protected area.
- Provided pictures to staff showing how close in proximity the site was to the residential properties.
- Was under the impression that there would be a parking lot built with trucks coming and going to a warehouse.

Mr. Palombo stated that the only thing the applicant was asking for is the building to be used to create an electronics board.

Ms. Duffy asked would that be the only building being used.

Mr. Dow stated that the office building used by the previous used by previous tenant would be used. The company is a software company, and will have software engineers and sales support in that building. The other building will be used for the electronic circuit boards to be assembled.

The Chair asked how will trucks enter and exit.

Mr. Dow stated that the truck will enter and exit the same as the previous tenant. All the traffic will be on the Cody Road.

Mr. Palombo confirmed that the only access point was on Cody Road.

Ms. Duffy stated that she thought there was going to be additional parking lots and warehouses. If the structure will remain the same she is fine with it.

Ms. Thompson stated that she is still concerned about all the noise and lighting until 11PM.

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Mr. Dow stated that the company is basically a noiseless business. There will not be any noise being created. As for traffic, there is approximately 60 employees, hence about 60 cars versus the previous 200 employees the previous tenants had. No lighting was going to change and that the applicants would try and resolve any issues that the residents in opposition may have.

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

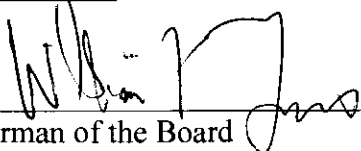
- 1) **the building labeled as "Building E" only may be used as light assembly;**
- 2) **full compliance with the tree requirements of the Zoning Ordinance for the entire site; and,**
- 3) **full compliance with all other codes and ordinances.**

The motion carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned.

APPROVED:



Chairman of the Board

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