

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF DECEMBER 3, 2012 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

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

MEMBERS ABSENT

J. Tyler Turner*

STAFF PRESENT

Frank Palombo, Planner II
Bert Hoffman, Planner II
Tchernavia Yow, Secretary I

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 all four members present to vote in the affirmative to approve any variance and then called the meeting to order at 2:01 PM.

HOLDOVERS:

#5788/5587/5410
(Case #ZON2012-02236)
Jerry Pettaway
1250 Arlington Street

(Northwest corner of Arlington Street and Bascomb Street).

Use, Setback, Parking Ratio, Maneuvering, and Tree Planting and Landscaping Area Variances to amend a previously approved Use, Maneuvering, Tree Planting and Landscaping Area Variance to allow a tire store with a 4' rear setback off residentially zoned property, 7 parking spaces with 20' maneuvering area, and no tree plantings or landscaping in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of B-2, Neighborhood Business District, for a tire store, with a 10' rear setback off residentially zoned property, with 12 parking spaces having a 24' maneuvering area, 12% of the site being landscaped with 60% of that along street frontages, six frontage trees, eight perimeter trees, and one parking area tree.

Council District 3

The Chair announced the matter, advising it had been recommended for denial of the Setback and Parking variances, while the Use, Tree Planting & Landscaping, and Maneuvering variances are recommended for approval. He advised the applicant should address the Board regarding the subject at that time.

Brett Orrell, Polysurveying, 5588 Jackson Road, Mobile, AL, spoke on behalf of the applicant in support of the application.

Hearing no opposition or discussion, a motion was made by Mr. Vernon Coleman, with second by Mr. Metcalfe to hold the matter over until the January 7, 2013.

The motion carried unanimously.

#5789/4880/4373

(Case #ZON2012-02466)

Victor Sign Company (Orin Robinson, Agent)

3025 Government Boulevard

(Southeast corner of Government Boulevard and McVay Drive North).

Sign Variance to amend a previously approved Sign Variance to allow three freestanding signs on a single-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance allows only one freestanding sign on a single-tenant commercial site in a B-3, Community Business District.

Council District 4

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.

Mr. Orrin Robinson, agent for Victor Signs, 5000 Whitworth Road, Mobile, AL, spoke in support of the application and made the following points in favor of the matter:

- He wants to move a sign to McVay Drive and install a new sign;
- This site used to be a multi-tenant site.

Hearing no opposition or discussion, a motion was made by Mr. William Guess, with second by Mr. Coleman, to approve the above referenced request.

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The motion carried unanimously.

EXTENSIONS:

#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.

Council District 2

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.

Brett Orrell, Polysurveying, 5588 Jackson Road, Mobile, AL, spoke on behalf of the applicant in support of the application.

Hearing no opposition or discussion, a motion was made by Mr. Vernon Coleman, with second by Mr. Metcalfe to approve the above referenced request.

The motion carried unanimously.

PUBLIC HEARINGS:

#5795/5430/4765/4557/4493/4402

(Case #ZON2012-02663)

Florida Certified Sign Erectors

63 South Royal Street

(East side of South Royal Street at the East terminus of Conti Street).

Sign Variance to allow a third wall sign (86.25 square feet) for one tenant (business) on a multi-tenant site; the Zoning Ordinance allows only one wall sign per business on a multi-tenant site.

Council District 2

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.

Jim Patterson, Florida Certified Sign Erectors, 118 Railroad Avenue, Midland City, AL, spoke in favor of the matter.

Hearing no opposition or discussion, a motion was made by Mr. Vernon Coleman, with second by Mr. Sanford Davis, to **holdover the above referenced request to the January 7, 2013 meeting, to allow the applicant to revise the request to allow four wall signs for one tenant**

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on a multi-tenant commercial site, with new mailing notification labels and a revised request description submitted to the Planning Section of Urban Development by December 7th, 2012.

The motion carried unanimously.

#5796/5774/4459/4458/4453

(Case #ZON2012-02683)

Rainbow Sign Company (Craig Inabinett, Agent)

1550 Government Street

(Northwest corner of Government Street and South Catherine Street).

Appeal of the Architectural Review Board's denial 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, a Sign Variance for which was approved by the Board of Zoning Adjustment.

Council District 2

The Chair announced the matter, advising it had been recommended that, since this is an appeal of the Architectural Review Board, the Board of Adjustment should consider all factors, including whether the ARB was acting within their authority. He advised the applicant should address the Board regarding the subject at that time.

Craig Inabinett, Agent for Rainbow Sign Company, 112 Elery Terrace, Summerville, SC, spoke in support of the matter.

Mr. Devereaux Bemis, City of Mobile Historic Development Commission, 205 Government Street, Mobile, AL spoke in opposition to the matter.

The Chair asked if there were any questions from the Board. Hearing no further opposition or discussion, he opened the matter for a motion.

A motion was made by Mr. Adam Metcalfe, with second by Mr. Vernon Coleman, to approve the above referenced request Mr. Guess and Mr. Milling voted in opposition to the matter; after failing to receive a quorum of yea votes, the request was denied.

#5797/5726

(Case #ZON2012-02766)

New Hope Baptist Church

1270 & 1272 Pecan Street, 608 Live Oak Street, 1261 & 1263 Persimmon Street

(Northeast corner of Pecan Street and Live Oak Street extending to the Southeast corner of Pecan Street and Persimmon Street).

Tree Planting Variance to reduce the number of Frontage Heritage Trees required for a church in an R-2, Two-Family Residential District; the Zoning Ordinance requires a minimum of one frontage heritage tree per 30 linear feet of street frontage for a church in an R-2, Two-Family Residential District.

Council District 2

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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.

Carlos Gant, 2808 Steeple Chase Ct N, Mobile, AL, spoke on behalf of the applicant in favor of the matter.

Hearing no opposition or discussion, the Chair opened the matter for a motion. A motion was made by Vernon Coleman, with second by Mr. Sanford Davis, to approve the above referenced request, subject to the following conditions:

- 1) **coordination with Urban Forestry for the frontage tree planting requirements of the Ordinance to allow the planting of understory trees instead of overstory trees within the location of the building; and**
- 2) **compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

#5798

(Case #ZON2012-02787)

Publix Super Markets (Steve Ladas, Agent)

4628 Airport Boulevard

(Northeast corner of Airport Boulevard and University Boulevard).

Sign Variance to allow two freestanding signs on a single-tenant commercial site in a B-2, Neighborhood Business District; the Zoning Ordinance allows only one freestanding sign on a single-tenant commercial site in a B-2, Neighborhood Business District.

Council District 5

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.

Doug Anderson, Burr & Forman, LLP, 11 North Water Street, Suite 22200, Mobile, AL, spoke on behalf of the applicant in favor of the matter.

Hearing no opposition or discussion, the Chair opened the matter for a motion. A motion was made by Vernon Coleman, with second by Mr. Adam Metcalfe, to approve the above referenced request, subject to the following conditions:

- 1) **coordination with Traffic Engineering to ensure that no line of sight hazard will result; and**
- 2) **compliance with all other municipal codes and ordinances.**

The motion carried with Mr. Milling recusing himself from the vote.

#5799/5572

(Case #ZON2012-02825)

Jeff Quinnelly

East side of North McGregor Avenue, 170' South of Springhill Avenue

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**Vehicular Access Variance to allow the construction of a 16' wide drive in a Traditional Center District; the Zoning Ordinance requires a minimum access width of 24' for developments invoking the Traditional Center District overlay.
Council District 7**

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, Burr & Forman, LLP, 11 North Water Street, Suite 22200, Mobile, AL, spoke on behalf of the applicant in favor of the matter.

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

- 1) removal of the two proposed parking spaces within the right-of-way; and**
- 2) compliance with all other municipal codes and ordinances.**

Note that the requested variance for 16' access off of McGregor Avenue falls within the jurisdiction of the Right-of-Way Construction and Administration Ordinance and would need to be directed to the office of the City Engineer (City Code Chapter 57, Article VIII).

The motion carried unanimously.

#5800

(Case #ZON2012-02829)

Hughes Plumbing and Utility Contractors

400 Bay Bridge Road

(Northwest corner of Bay Bridge Road and Paper Mill Road, extending to Paper Mill Road Extension).

Use Variance to allow a contractor's storage yard in an R-2, Two-Family Residential District and B-2, Neighborhood Business District with a 6' high chain link fence; the Zoning Ordinance requires a minimum of an I-1, Light Industrial District for a contractor's storage yard and is required to be enclosed by a solid wall or fence at least 8' high.

Council District 2

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.

Preston Hughes, Hughes Plumbing and Utility Contractors, 400 Bay Bridge Road, Mobile, AL, spoke on his own behalf in favor of the matter. He stated that the site was being used to support the installation of a new sewer line for MAWSS, and that it would only be a temporary use.

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.

The following people spoke in opposition to the matter:

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- William Carroll;
- Pastor Lamar Brady, First Hopewell Missionary Baptist Church, 664 Shelby Street, Mobile, AL;
- Sara Jackson, 2208 Shelby Street, Mobile, AL;
- Tony Allen, 660 Shelby Street, Mobile, AL.

Those speaking in opposition voiced their concerns about dust, noise and increased truck traffic.

Hearing no further opposition or discussion, the Chair opened the matter for a motion.

A motion was made by William Guess, with second by Mr. Adam Metcalfe, **to holdover the above referenced request until the January 7th 2013 meeting to allow the applicant to meet with the neighborhood residents to explain his contract from MAWSS.**

The motion carried with Mr. Milling recusing himself from the vote.

#5801/4657

(Case #ZON2012-02835)

Forklift Hunter, LLC

216 East I-65 Service Road North

(East side of East I-65 Service Road North, 610'± North of Old Shell Road).

Surface Variance to allow aggregate surfacing for an equipment storage yard in a B-3, Community Business District; the Zoning Ordinance requires an equipment storage yard to be paved with concrete, asphaltic concrete, asphalt, or an approved alternative paving surface in a B-3, Community Business District.

Council District 1

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 in favor of the matter:

- 1) Bryan Tidwell, Forklift Hunter, LLC, 216 East I-65 Service Road North, Mobile, AL, spoke on his own behalf; and
- 2) Jerry Byrd, Byrd Surveying, Inc., 2609 Halls Mill Road, Mobile, AL, spoke on behalf of the applicant.

The Chair asked if there were any 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 Adam Metcalfe, with second by Mr. Sanford Davis, to approve the above referenced request, subject to the following conditions:

- 1) **revision of the site plan to indicate bumper stops for all standard vehicle parking spaces, to be coordinated with Traffic Engineering; and**
- 2) **full compliance with all other municipal codes and ordinances.**

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The motion carried unanimously.

#5802/5717/5613

(Case #ZON2012-02836)

Board of Water and Sewer Commissioners

(East side of Shelton Beach Road Extension, 820'± North of Moffett Road).

Use and Surfacing Variances to allow a contractor's storage yard and gravel surfacing in a B-3, Community Business District; the Zoning Ordinance requires a minimum of I-1, Light Industry District for a contractor's storage yard and requires all parking areas to be surfaced in asphalt, concrete, or an approved alternative paving surface.

Council District 1

The Chair announced the matter, advising it had been recommended for approval of the Use and Surfacing requests, and for partial approval of the Buffer request. He advised the applicant should address the Board regarding the subject at that time.

Tony Schachle, Volkert Engineering, 3809 Moffett Road, Mobile, AL, spoke on behalf of the applicant and in support of the matter.

The Chair asked if there were any 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 Vernon Coleman, with second by Mr. Adam Metcalfe, **to approve the Use and Surface Variances, and to partially approve the Buffer request, subject to the following conditions:**

- 1) **placement of a note on the site plan stating that no operation of heavy machinery shall occur outside of the hours of 6am to 6pm, Monday thru Friday unless it is due to a severe storm event, declared emergency, or emergency after-hours call-out;**
- 2) **placement of a note on the site plan stating that no deliveries of bulk materials to the site shall occur except between 6am to 6pm, Monday thru Friday unless it is due to a severe storm event, declared emergency, or emergency after-hours call-out;**
- 3) **provision of a 25-foot wide natural landscape buffer along the East and North sides of the site where the property abuts residential or multi-family uses;**
- 4) **enclosure of all "contractor storage yard" areas with an 8-foot high solid wall or fence, except where access is required internal to the site (South side of North storage yard);**
- 5) **bulk storage area to be designed in such a manner as to prevent runoff and spillage of bulk materials;**
- 6) **full compliance with the site and parking lighting requirements of Section 64-4.A.2., Illumination of uses, and Section 64-6.A.3.c., Lighting, of the Zoning Ordinance;**
- 7) **compliance with Engineering comments (*If the surface variance is approved for use the applicant will be required to show (on the Land Disturbance Permit drawings) that the proposed gravel surfacing area(s) will drain into onsite BMP's and detention facility prior to discharge any proposed site development, including Drainage and Stormwater Detention, BMP's and Erosion And Sediment Control Plan, along with all of the proposed site construction details.*);**

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- 8) **compliance with Traffic Engineering comments (*Please make the curb cuts (if curbed) and concrete apron(s) to City standards, including 24' wide driveway(s) with at least 20' radii.*)**;
- 9) **compliance with Fire comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*)**;
- 10) **submission of a revised site plan reflecting the conditions of approval; and**
- 11) **subject to Planning Commission approvals of new applications for Planning Approval and Planned Unit Development, with a site plan matching that approved by the Board of Zoning Adjustment, as revised.**

The motion carried unanimously.

#5803

(Case #ZON2012-02839)

Slaughter Construction

4063 Halls Mill Rd

(South side of Halls Mill Road, 200'± East of Azalea Road).

Surface Variance to allow aggregate surfacing for an equipment storage yard in an I-1, Light Industrial District; the Zoning Ordinance requires an equipment storage yard to be paved with concrete, asphaltic concrete, asphalt, or an approved alternative paving surface in an I-1, Light Industrial District.

Council District 4

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 in support of the application:

- 1) Frank Dagley, Frank Dagley & Associates, 717 Executive Park Drive, Mobile, AL, spoke on behalf of the applicant; and
- 2) Robert Slaughter, Slaughter Construction, 613 Gulf Shores Pkwy. Suite 101 Gulf Shores, AL, spoke on his own behalf.

The Chair asked if there were any 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.

Steve Gaitlin, Bayside Rubber & Products, 4083 Halls Mill Road, Mobile, AL, spoke in opposition to the matter. He stated that the development of the site would cause drainage problems for his property.

Hearing no further opposition or discussion, the Chair opened the matter for a motion.

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

- 1) **the provision of a berm along the West side of the property, to be approved by COM Engineering;**
- 2) **full compliance with COM Engineering requirements (1. If the surface variance is approved for use the applicant will be required to submit a Land Disturbance**

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Permit application package which would include the site plans, calculations, and details to construct the stormwater detention pond along with any other proposed site improvements. 2. All of the existing and proposed gravel surfacing area(s) shall be graded to drain to the proposed, onsite detention facility.); and

- 3) compliance with all other codes and ordinances.

The motion carried unanimously.

#5804

(Case #ZON2012-02840)

Rangeline Business Park, LLC

3816 Abigail Drive

(North side of Abigail Drive, 750' East of Rangeline Service Road)

Access, Maneuvering, Surfacing, and Buffer Variances to allow a 16' wide entrance drive and 12' wide gate clearance, a 22' wide maneuvering area, and a 6' high fence around 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 an 8' high privacy fence or wall around lay down yard to be surfaced with asphalt, concrete or an approved alternative paving surface in an I-1, Light Industry District.

Council District 4

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 in favor of the matter:

- 1) Frank Dagley, Frank Dagley & Associates, 717 Executive Park Drive, Mobile, AL, spoke on behalf of the applicant; and
- 2) Charles Chapman, Riverview Plantation Road, Theodore, AL, spoke on his own behalf.

Hearing no opposition or further discussion, the Chair opened the matter for a motion.

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

- 1) **Compliance with Engineering comments (SURFACE VARIANCE: If the surface variance is approved for use the applicant will be required to submit revised Land Disturbance Permit application drawings for review and approval prior to continuing any construction. All of the proposed gravel surfacing area(s) shall be graded to drain to the proposed, onsite detention facility. ACCESS VARIANCE: The requested variance for 16' access off of Abigail Drive falls within the jurisdiction of the Right-of-Way Construction and Administration Ordinance and would need to be directed to the office of the City Engineer (City Code Chapter 57, Article VIII).);**
- 2) **Provision of a 20-foot wide driveway;**
- 3) **Approval by the Traffic Engineer;**
- 4) **Compliance with Fire comments (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile).**

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The motion carried unanimously.

#5805

(Case #ZON2012-02841)

BAPS Properties (Greg Marshall, Agent)

(North side of Dauphin Island Parkway, 900'± West of Cedar Point Road).

Surface Variance to allow aggregate surfacing for a lay down yard in a B-3, Community Business District; the Zoning Ordinance requires a lay down yard to be paved with concrete, asphaltic concrete, asphalt, or an approved alternative paving surface in a B-3, Community Business District.

Council District 3

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.

Mr. Greg Marshall, agent for BAPS Properties, 13905 Shell Belt Road, Bayou La Batre, AL, spoke on his own behalf and stated that he agreed with the staff recommendations.

Hearing no opposition or further discussion, the Chair opened the matter for a motion.

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

- 1) **revision of the site plan to furnish the calculations for the total landscaping are provided for the site;**
- 2) **revision of the site plan to provide a sidewalk at the site's pole frontage on Dauphin Island Parkway;**
- 3) **compliance with Engineering comments: *(The applicant will be required to submit revised Land Disturbance Permit application drawings for review and approval prior to continuing any construction. All of the proposed gravel surfacing area(s) will drain into onsite BMP's and detention facility prior to discharge any proposed site development, including Drainage and Stormwater Detention, BMP's and Erosion And Sediment Control Plan, along with all of the proposed site construction details.);***
- 4) **compliance with the Traffic Engineering comment: *(make the concrete apron to City standards, including 24' wide driveway with at least 20' radii);* and**
- 5) **full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned at 4:33 PM.

APPROVED: March 10, 2014



Chairman of the Board

/lw