

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF JULY 1, 2013 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, AUDITORIUM

MEMBERS PRESENT

Vernon Coleman, Vice Chairman
Sanford Davis
Lewis Golden
Adam Metcalfe
Jeremy Milling
Russell Reilly

MEMBERS ABSENT

William Guess, Chairman

STAFF PRESENT

Bert Hoffman, Planner II
Carla Davis, Planner II
Tchernavia Yow, Secretary I
Lisa Watkins, Secretary I

OTHERS PRESENT

John Lawler, City Attorney
George Davis, City Engineering
Butch Ladner, Traffic Engineering
DC Billy Roach, Fire & Rescue

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

ROLL CALL

✕	William Guess, Chairman
✓	Vernon Coleman, Vice-Chairman
✓	Sanford Davis
✓	Lewis Golden
✓	Adam Metcalfe
✓	Jeremy B. Milling
✓	Russell Reilly

CALL TO ORDER:

Vice Chairman Coleman advised all in attendance as to the policies and procedures of the Board of Zoning Adjustment. He noted the numbers of members present constituted a quorum. He called the meeting to order at 2:01 p.m.

HOLDOVERS:

#5836

(Case #ZON2013-01249)

Gary D.E. Cowles

1601 Dublin Street East

(Northeast corner of Dublin Street and Dublin Street East)

Front Yard Setback Variance to allow reduced setbacks of 20' along the South property line, and 5' along the North property line; the Zoning Ordinance requires a 25' Front Yard Setback along all street frontages.

Council District 2

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

Mr. Hoffman advised that he had handed out updated approval conditions for this matter.

Mr. Gary Cowles, 457 St. Michael St., Mobile, AL, spoke on behalf of the applicant. He advised that he had received the updated conditions and agreed with the staff recommendations.

The Vice Chairman 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 Mr. Milling, with second by Mr. Metcalfe, to approve the above referenced request, subject to the following conditions:

- 1) **Modification of the reduced setback request to accommodate the dumpster enclosure, allowing 9-feet from Dublin Street East, adjusted for required dedication, and 3.5-feet from Dublin Street, adjusted for required dedication, only in the dumpster enclosure area, and depiction of the modified setback on the Subdivision plat;**
- 2) **Completion of the Subdivision process prior to any request for a Certificate of Occupancy for the proposed building;**
- 3) **Revision of the site / landscape plan to depict a compliant van accessible parking space and an adjacent accessible aisle of appropriate width;**
- 4) **Revision of the site / landscape plan to depict all required trees within the lot boundaries;**
- 5) **Revision of the site / landscape plan to show the requested 15-foot setback from Dublin Street East, after right-of-way dedication, and the 5-foot setback from Dublin Street, after right-of-way dedication;**
- 6) **Submission of two copies of the revised site / landscape plan prior to any revised submissions for the associated building permits; and**
- 7) **Full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

PUBLIC HEARINGS:

#5840/5113/4902

(Case #ZON2013-01253)

David Calametti

1708, 1710 & 1714 Dauphin Street

(Northeast corner of Dauphin Street and Semmes Avenue)

Use, Parking Ratio, and Access and Maneuvering Variances to amend a previously approved variance to allow a 2,500 square foot restaurant within a 6,000 square foot, three-

tenant building, shared access and parking with a 1,800 square foot commercial building, with 22 parking spaces, substandard parking stalls and aisle widths in an R-1, Single-Family Residential District; the Zoning Ordinance requires 37 compliant parking spaces for a 6,000 square-foot commercial building with a proposed 2,500 square foot restaurant, 6 compliant parking spaces for an 1800 square-foot commercial building and 24' maneuvering aisles with a minimum of a B-2, Neighborhood Business District.
Council District 2

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

Mr. Reilly recused himself from this case.

Mr. Don Williams, Williams Engineering, 6300 Piccadilly Square Drive, Mobile, AL, spoke on behalf of the applicant and stated that he agreed with all the staff conditions.

The Vice Chairman 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 Mr. Milling, with second by Mr. Metcalfe, to approve the above referenced request, subject to the following conditions:

- 1) the restaurant operation is limited to evening hours only Monday through Friday, and lunch and dinner on weekends;**
- 2) the traffic flow through the combined sites be restricted to one-way only with the routing to be coordinated with Traffic Engineering and the appropriate signage installed;**
- 3) revision of the site plan to indicate compliance with Section 64-4.D.9. of the Zoning Ordinance;**
- 4) parking lot lighting to be in compliance with Chapter 64-6.A.3.c. of the Zoning Ordinance so as not to allow the light source to shine directly into adjacent residential properties or traffic;**
- 5) the planter boxes within the Dauphin Street right-of-way to remain in place;**
- 6) subject to the Engineering comments: (1. A Non-Utility ROW Use Agreement will be needed for any structures (awning, pillars, planters, etc) placed within the Semmes Ave or Dauphin St ROW. Existing Agreement(s) may need to be reviewed with any proposed development/repairs. 2. If the existing, southern driveway on Semmes Avenue is not going to be used it should be removed and replaced with approved curb and gutter. A ROW Permit would be required for the work.);**
- 7) submission of a revised site plan indicated compliance with the above conditions; and**
- 8) full compliance with all other municipal codes and ordinances, other than landscaping and tree planting.**

The motion carried unanimously.

July 1, 2013
Board of Zoning Adjustment

#5841/5786/5591

(Case #ZON2013-01507)

Fravert Services, Inc.

3725 Airport Boulevard

(South side of Airport Boulevard, 260'+ West of Montlimar Drive).

Sign Variance to amend a previously approved Sign Variance to allow a wall sign for a non-licensed educational component of a licensed business college at a multi-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance does not allow a wall sign for a non-licensed business component of a licensed business at a multi-tenant commercial site in a B-3, Community Business District.

Council District 5

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

Mr. David Brandt, Fravert Services, 133 West Park Drive, Birmingham, AL, spoke on behalf of the applicant and made the following points in support of the application:

- The board approved this request in October, 2012, but due to the statute of limitations, they were required to reapply as the approval expired by the time the client was ready to move forward;
- He did see recommendations and agree with staff.

The Vice Chairman 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 Mr. Metcalfe, with second by Mr. Davis, to approve the above referenced request.

The motion carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned at 2:10.

APPROVED: June 2, 2014



Chairman of the Board

/lw