

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF OCTOBER 7, 2013 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, AUDITORIUM

MEMBERS PRESENT

William Guess, Chairman
Sanford Davis
Adam Metcalfe
Lewis Golden
Adam Metcalfe
Jeremy Milling

MEMBERS ABSENT

Vernon Coleman, Vice Chairman
Russell Reilly

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
MaryBeth Bergin, 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
✓	Lewis Golden
✓	Adam Metcalfe
✓	Jeremy B. Milling
✗	Russell Reilly

CALL TO ORDER:

Chairman Guess 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 and that the Board was on a supermajority voting system, so it would require approval of all five members present to pass a variance. He called the meeting to order at 2:00 p.m.

PUBLIC HEARINGS:

#5859

(Case #ZON2013-02115)

Cummings Architecture

20 South Royal Street

(West side of South Royal Street, 25'± North of Conti Street).

Sign Variance to allow a second wall sign resulting in more than 64 square feet of signage (74.75± square feet) and extending 8 ¾" beyond the roof line in a historic district within a B-4, General Business District; the Zoning Ordinance does not allow more than 64 square feet total of signage and no sign may extend beyond the roofline in a historic district within in a B-4, General Business District.

Council District 2

The Chair announced the matter, advising it had been recommended for approval of the two walls signs exceeding the 64-square foot allowance in an historic district and denial of the request to allow the second wall sign to project 8 ¾" above the roof line. He advised that the applicant should address the Board regarding the subject at that time.

Ben Cummings, Cummings Architecture, 1 Houston Street, Mobile, AL, spoke on behalf of the applicant and made the following points in support of the matter:

- The purpose of the application is to get permission to add a second sign on the top of the building wall;
- The existing sign is below the balcony;
- The second sign will be identical to the existing sign;
- There is a flat band across the top of the building, and they propose to put the sign on that band with the highest part of the "H" and the design above the parapet wall;
- The sign is aluminum/metallic and will be backlit;
- The Architectural Review Board has already approved it;
- The owner wants the design to be identical to the current sign which prevents them from keeping the sign face entirely within the height of the band.

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

The motion carried unanimously.

#5860/1411

(Case #ZON2013-02129)

Affordable Auto Painting & Collision, LLC

2905 Government Boulevard

(South side of Government Street, 165'± Magnolia Road).

Sign Variance to allow a total of five (5) signs with one (1) being a freestanding sign for a single tenant site in an B-3, Community Business District; the Zoning Ordinance allows a total of three (3) signs with one (1) being freestanding sign in a B-3, Community Business District.

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Council District 3

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

Tim White, Affordable Auto Painting and Collision, LLC, 2905 Government Blvd., Mobile, AL, spoke on his own behalf and made the following points in support of the application:

- All of the signs on his property have been there since 2006;
- In October-November of 2006, he moved his business from next door to their present location;
- At the time of the move, he contacted Jim Mitchell of Sign-a-Rama to move the signs and reface the existing sign;
- The primary sign on the front center of their building, "Affordable Auto Painting and Collision," is the one that was moved;
- The other signs that are currently on the building have been there prior to the current sign ordinance passed in 1991;
- It was his understanding at the time that Mr. Mitchell was going to obtain a permit for the sign that was moved and evidently he did not;
- It was his understanding that he could re-face the existing signs without getting permits;
- If he was required to move the primary sign that is in question, it would be a problem because that is how customers find his business;
- There is another sign out by the road, but the position of the sign is actually closer to the next building so customers tend to go to the wrong building;
- He submitted several pictures of existing business in the area that have more than the allowed two signs per building – he can stand at his front door and count five businesses that have more than two signs;
- He questions why the neighbors can have more than two signs.

The Chair asked if there was a sign taken down from the location of the building where he put his primary sign up.

Mr. White responded that there was no sign there previously. There are two on either corner of the front of the building, one on the side and the pylon sign, and all of those were in place, just refaced.

The Chair asked if some of the information that is on the corner signs be placed on the pylon sign, and if he could keep the pylon sign, maybe he could lose some of the other signs. He stated that his understanding from staff was that Mr. White was allowed three signs on the building and one free-standing.

Mr. Hoffman stated that if this were a new building, he would be allowed two wall signs and one freestanding sign. However, since this building was grandfathered in with the signage in place, it would be allowed three wall signs. The addition of the large sign in the middle is the issue with this site. Mr. White had a problem with getting his business license transferred to the new location, and when that was issued, the City always sends inspectors out to the site. The four signs on the building were observed at the time of the inspection.

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Hearing no further discussion or opposition, a motion was made by Mr. Guess with second by Mr. Davis to approve the site having a total of four (4) signs, with the applicant to remove one (1) existing wall sign of his choice.

The motion carried unanimously.

#5861

(Case #ZON2013-02188)

Sandra Brining

4908 Carmel Drive North

(North side of Carmel Drive North, 80'± West of the North terminus of Pine Court).

Side Yard Setback Variance to allow a garage within 5' of the side property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum 8' side yard setback in a R-1, Single-Family Residential District.

Council District 7

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

Mr. Don Williams, Williams Engineering, 6300 Piccadilly Square Drive, Mobile, AL, spoke on behalf of the applicant and made the following points in support of the application:

- Ms. Brining lives on Carmel Drive, which is a long stretch that backs up to Langan Park;
- She is adding an addition to her house and would like to add a garage as well to shelter her car;
- In order to be in line with her house, it would be better to locate the garage 5' on the side yard setback due to the position of the driveway;
- If the garage were to be built in compliance with the 8' setback, it would cause some maneuverability issues;
- Staff researched and found four other locations within 1000' of the property that had from 1.5' to 5' on their side yards;
- Mr. Williams stated that he had worked on a similar job last year that is just over 1000' feet away;
- They hope that the variance will be granted since there is a precedence in the area of reduced setbacks;
- They understand that the soffit/underside of the eave will be required to be fire-rated;
- Per Kevin O'Shea, they will not need to fire-rate the wall since the setback is more than 4'11".

Hearing no further discussion or opposition, a motion was made by Mr. Metcalfe with second by Mr. Davis to approve the above referenced request, subject to the following conditions:

- 1) Provision of gutters and downspouts on the garage on the side of the reduced setback; and**
- 2) Full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

#5862

(Case #ZON2013-02194)

Darrell J. Williams

74 Jordan Lane

(West side of Jordan Lane, 145'± North of Wilkinson Way).

Side Yard Setback and Reduced Side Yard Setback Variances to allow the construction of a garage within 5' of side property line resulting in a combined side yard setback of 15' in an R-1, Single-Family Residential District; the Zoning Ordinance requires at least an 8' side yard setback and a combined side yard setback total of 20' in an R-1, Single-Family Residential District.

Council District 5

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

Mr. Darrell J. Williams, Darrell J. Williams Associates, 2108 Airport Boulevard, Mobile, AL, spoke on behalf of the applicant and made the following points in support of the matter:

- They are proposing constructing a new garage to the southwest side of the property;
- The new garage will come into the existing 10' setback;
- They are allowing a 5' setback there and providing a fire-rated wall with no penetrations;
- Along the property line, there is an 8' block/brick wall.

Hearing no further discussion or opposition, a motion was made by Mr. Milling with second by Mr. Metcalfe to approve the above referenced request, subject to the following conditions:

- 1) **Provision of gutters and downspouts on the garage on the side of the reduced setback; and**
- 2) **Full compliance with all other municipal codes and ordinances.**

The motion carried unanimously.

#5863

(Case #ZON2013-02219)

Corporate Property Services, Inc.

4707 Airport Boulevard

(South side of Airport Boulevard, 2/10± mile West of University Boulevard).

Site Variances to allow a menu hoard and a 50' flag pole within the 25' front yard setback in a B-3, Community Business District; the Zoning Ordinance does not allow structures over 3' tall within the 25' front yard setback and no structure higher than 45' in a B-3, Community Business District.

Council District 6

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The Chair announced the matter, advising it had been recommended for denial of the menu board in the 25' setback and conditional approval to allow a 50' high flagpole. He advised the Board that a revised variance request statement in their packages that applies to this case and the next case as well. He then advised that the applicant should address the Board regarding the subject at that time.

Ben Holiday, Clayton Signs, 5198 North Lake Drive, Lake City, GA, spoke on behalf of the applicant and made the following points in support of the matter:

- Chick-Fil-A, as well as a lot of other fast-food restaurants, are going to double drive-thrus in order to alleviate the traffic congestion and move customers through faster;
- There are two order points: one of the order points goes over the 25' setback line about 2-3 feet; the menu board doesn't go over into the setback, but the canopy that extends over it does;
- There is a pre-sale menu board that sits further in on the inner lane to assist people in making up their minds and keeping the line moving;
- They changed the colors from red to bronze to make it more aesthetically pleasing;
- The flagpole sits back beyond the menu board so it isn't in the setback

The Chairman asked if there was a bypass lane.

Mr. Holiday said he didn't think there was room for one; the added sidewalk from the Planning Commission meeting pushed everything back further.

Hearing no further discussion or opposition, a motion was made by Mr. Metcalfe with second by Mr. Davis to approve the above referenced request **to allow a 50-foot tall flag pole, to be located outside of the front setback area, and to allow the menu board structure encroachment into the front setback area as depicted on the revised site plan provided at the meeting.**

The motion carried unanimously.

#5864
(Case #ZON2013-02236)
Corporate Property Services, Inc
4707 Airport Boulevard

(South side of Airport Boulevard, 2/10± mile West of University Boulevard).

Sign Variance to allow a total of three (3) menu boards for a single tenant site with one drive up window in a B-3, Community Business District; the Zoning Ordinance allows one (1) menu board per each drive up window for a single tenant site in a B-3, Community Business District.

Council District 6

The Chair announced the matter, advising it had been recommended for denial. He and Mr. Hoffman discussed that Mr. Holiday's comments in the previous case did address this case as well as the previous case, but since this is a separate case, it does require a separate vote.

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

The motion carried unanimously.

APPROVAL OF MINUTES:

A motion was made by Mr. Metcalfe, with second by Mr. Davis, to approve the minutes from the following Board of Zoning Adjustment meetings:

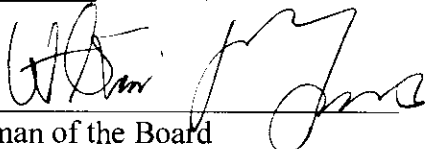
- January 9, 2012
- February 6, 2012
- March 5, 2012
- April 2, 2012
- May 7, 2012
- June 4, 2012

The motion carried unanimously.

OTHER BUSINESS:

There being no further business, the meeting was adjourned.

APPROVED: June 2, 2014



Chairman of the Board

/lw