

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF FEBRUARY 2, 2015 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, AUDITORIUM

MEMBERS

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

STAFF

Bert Hoffman, Planner II
Carla Davis, Planner II
Charles Finkley, Planner I
Lisa Watkins, Secretary I

OTHERS

Doug Anderson, 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
✓	Adam Metcalfe
✓	Jeremy B. Milling
×	Russell Reilly
✓	Lewis Golden

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 and that the Board was on a supermajority voting system, so it would require approval of five members to pass a variance. He then called the meeting to order at 1:58 PM.

HOLDOVERS:

#5937

(Case #ZON2014-02189)

Cellular South Real Estate

1621 Virginia Street

(Southeast corner of Lott Street and Virginia Street)

Height, Setback, Residential Buffer, Parking Surface, and Tree Planting Variances to allow a 152' monopole telecommunications tower setback 5'-10" from a lease parcel line and 159' from residential property, with a gravel access drive and parking, and no tree plantings in a B-3, Community Business District; the Zoning Ordinance limits structures to a 45' height, with telecommunications towers to be setback the height of the tower (150') from a lease parcel line, and with a residential buffer separation of 200' or 150% of the height of the tower, whichever is greater (228'), with paved access and parking surfaces, and with one tree per every 30' of lease parcel perimeter, in a B-3, Community Business District.

Council District 2

The Chair announced the matter, advising that Mr. Milling would recuse himself from the case and that it had been recommended for holdover. He advised the applicant should address the Board regarding the subject at that time.

Brooks Milling, Hand Arendall, 11 N. Water Street, Mobile, AL, spoke on behalf of the applicant and made the following points in support of the matter:

- They are asking for a holdover again;
- They are trying to work out a new location several hundred feet to the west of the previous location on the other side of the detention pond – the initial location was on the very southeast corner of the Ladd-Peebles Stadium property;
- They are also trying to meet with the neighbors who oppose the placement of the cell tower to be sure the neighbors understand the proposal and to be sure the applicant understands the concerns of the neighbors;
- He's met with Councilman Manzie at the site to show him the proposal because he is on the Planning Commission and is the Council representative for this area. Councilman Manzie is working to set up a neighborhood meeting at the high school;
- They are heldover at the Planning Commission until April, so they are asking for a holdover here until May;
- They are working out an amendment to their lease with the City since the City owns the stadium.

The Chair asked if there were any questions from the Board. Hearing none, the Chair asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, the Chair opened the floor for a motion.

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

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The application was heldover to the Board's May 4th meeting to allow the applicant and the Ladd-Peebles Board to finalize the new location of the proposed tower, and if necessary, prepare a new application for submittal.

The motion passed with Mr. Milling recusing himself.

EXTENSIONS:

#5901

(Case #ZON2014-01185)

City of Mobile, Community and Housing Development Department

906 and 908 Delaware Street

(North Side of Delaware Street, 110'± West of South Broad Street).

Bulk, Front Setback, and Side Yard Setback Variances to allow a duplex on a 6,680 square foot site, with a 21'6" front yard setback and a 1' side yard setback in an R-3, Multi-Family Residential District; the Zoning Ordinance requires a minimum of 8,000 square feet for a duplex, with a minimum front yard setback of 25', and a minimum side yard setback of 8' in an R-3, Multi-Family Residential District.

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.

Kristina Stone, Assistant Director, City of Mobile, Community and Housing Development Department, 205 Government Street, Mobile, AL, who spoke on behalf of the applicant and made the following points in support of the matter:

- They got a variance approved last summer;
- They probably were a little premature in applying for the variance, but they wanted to have the variance in place before they executed an agreement with their design/build partner;
- Their plans have been submitted and are currently under review, and they will probably be issued permits in the next week or two.

The Chair asked if there were any questions from the Board. Hearing none, the Chair asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, the Chair opened the floor for a motion.

A motion was made by Mr. Coleman with second by Mr. Metcalfe, to approve the above referenced extension. However, the applicant should be aware that future extensions are unlikely

The motion passed unanimously.

PUBLIC HEARINGS:

#5945/5090

(Case #ZON2014-02706)

Sharon Townsend

2643 Bear Fork Road

(West side of Myers Road [private street], 1300'± South of Bear Fork Road).

Use Variance to allow a mobile home as a residence in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow mobile homes by right in an R-1, Single-Family Residential 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.

Brett Orrell, Polysurveying, 5588 Jackson Road, Mobile, AL, spoke on behalf of the applicant and made the following points in support of the request:

- They did get approval from the Planning Commission for a two lot subdivision to take two homes off an existing metes and bounds piece of property and have one residence on each legal lot;
- The Townsends live in the dwelling on the west side of the property and have for a number of years;
- Their son lives in the mobile home to the east;
- Mr. Townsend and his son are both disabled due to military service, so there are some financial hardships;
- They are requesting approval of a longer period than three years, possibly ten years, to get the family more time to build a permanent house on the site.

Mr. Hoffman stated that this was before the Board because an initial variance had been granted with a three-year time limit, but it wasn't re-checked after the expiration date of the approval. The current mobile home has been on site for about ten years. There has been a mobile home on the site for about 15 years, but the first one was destroyed by Katrina and replaced. Staff received a complaint about the new mobile home which led to the application. Having a mobile home on the site would ordinarily require Planning Approval, but since a variance had previously been granted, the Planning Commission thought it more appropriate to have the applicant apply for another variance.

Mr. Metcalfe asked the nature of the complaint.

Mr. Hoffman stated that there were several complaints – there was someone living in an RV on the property and discharging sewage into a water source at the main house rather than a septic system, and there was a new double-wide mobile home placed on the property in violation of the variance. All the health issues have been addressed and the RV has been removed, so this application is the only item needed for them to be in compliance at the main house. The existing house is in compliance, and one of the conditions for approval is that the mobile home be appropriately connected and have the required wind zone sticker for Alabama.

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The Chair asked if there were any questions from the Board. The Chair asked if there was anyone present in the audience in favor of the application. Hearing none, he asked if there was anyone present in opposition to the matter. Hearing none, the Chair opened the floor for a motion.

A motion was made by Mr. Coleman with second by Mr. Guess, to approve the above referenced matter.

The Board determined the following findings of fact for approval:

- 1) **Approving the variance request will not be contrary to the public interest since a mobile home has existed on the site for at least 13 years;**
- 2) **Special conditions appear to exist, including the duration of the existing mobile home on the site and the current topographic conditions, that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and**
- 3) **That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance since the applicant would be required to obtain the proper building code-related permits.**

The approval is subject to the following conditions:

- 1) **After the fact permits for building, plumbing and electrical code compliance, including verification that the mobile home is appropriate for the HUD wind zone; and**
- 2) **Completion of the Subdivision process.**

The motion passed unanimously.

#5946

(Case #ZON2015-00019)

Wrico Signs Inc.

3679 Airport Boulevard

(South side of Airport Boulevard, 360'± East of Montlimar Drive).

Sign Variance to allow off-premise signage for a business located at 3673 Airport Boulevard; the Zoning Ordinance requires all signage to be on the same site as the business advertised.

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.

The following people spoke in support of the matter:

- 1) Wade Wright, Wrico Signs, 3345 Halls Mill Road, Mobile, AL, and
- 2) Gene Bishop, Wings Sports Grill, 3673 Airport Boulevard, Mobile, AL.

They made the following points in support of the matter:

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- They are in agreement with the staff recommendations;
- However, they would like to ask to be allowed to keep the existing sign pole on the property until they can verify that the property behind them will be developed as it is planned;
- They took down the previous sign due to a name change and because their sign couldn't be seen due to the oak trees;
- They want to temporarily put a tenant panel on the sign on the adjacent multi-tenant site, but he doesn't want to lose the rights to the sign he has as he may want to go back to it later;
- The landlord is considering developing the property in a much different way, but if that doesn't happen, Mr. Bishop will want to remove the tenant panel and put a sign back on his existing pole;
- If the tenant panel doesn't work out, they may cut the stub pipe off and put in a monument sign, but getting approval to leave the pole up leaves their options open.

The Chair asked if there were any questions from the Board. The Chair asked if there was anyone present in the audience in favor of the application. Hearing none, he asked if there was anyone present in opposition to the matter. Hearing none, the Chair opened the floor for a motion.

After discussion, a motion was made by Mr. Milling, with second by Mr. Metcalfe, to approve the above referenced matter.

The Board determined the following findings of fact for Approval:

- 1) approving the variance will not be contrary to the public interest in that the sign location will not take away available space for the existing or future tenants for the adjacent site;**
- 2) special conditions appear to exist, such as the frontage trees which obstruct the visibility of the previous location of the sign, such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the proposed sign will be located on a freestanding pylon along with other signs from tenants located within the site and will not be a detriment to the neighborhood.**

Therefore, this application is approved, subject to the following conditions:

- 1) submission of a revised site plan to include the property lines for both sites;**
- 2) removal of the existing freestanding pole within 18 months;**
- 3) submission of a sign permit application;**
- 4) application for an electrical permit, if illuminated; and**
- 5) full compliance with all other municipal codes and ordinances.**

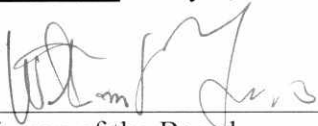
The motion passed unanimously.

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OTHER BUSINESS:

With there being no further business before the Board, the meeting was adjourned at 2:35 PM.

APPROVED: July 6, 2015



Chairman of the Board

/lw