

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**MEETING OF DECEMBER 2, 2002 - 2:00 P.M.**  
**MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM**

**MEMBERS PRESENT**

John Peebles, Chairman  
Rev. Clarence Cooke  
Richard Collier  
H. Lamar Lee

**MEMBERS ABSENT**

Rev. P. H. Lewis  
Reid Cummings  
Edley Hubbard (S)

**STAFF PRESENT**

Margaret Pappas, Planner II  
Frank Palombo, Planner I  
Timothy Ashley, Planner I  
Rose Murphy, Secretary II

**OTHERS PRESENT**

David Roberts, Traffic Engineering  
David Daughenbaugh, Urban Forestry  
Wanda Cochran, Assistant City Attorney

Chairman Peebles noted the number of members present constituted a quorum and called the meeting to order.

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

**APPROVAL OF MINUTES:**

A motion was made by Rev. Cooke and seconded by Mr. Lee to approve the minutes of the meeting November 4, 2002, as submitted. The motion carried unanimously.

**PUBLIC HEARINGS:**

**#5143**

**Case #ZON2002-02447)**

**James M Brown**

**1204 New Saint Francis Street**

(North side of New Saint Francis Street, 267' ± East of North Georgia Avenue)

**Side Yard Setback, Rear Yard Setback and Site Coverage Variances to allow the construction of a 24' x 24' garage within 3' of the side property line, 2.13' of the rear property line and to allow 42% site coverage; a minimum side yard setback of 7', a minimum rear yard setback of 8' and a maximum site coverage of 35% is required for a 49' wide lot in an R-1, Single-Family Residential District.**

*The plan illustrates the existing building, proposed building, and existing drive.*

Mr. James Brown of 1204 New St. Francis Street, the applicant, stated he wanted to build a garage in the rear of his property. New St. Francis Street is a narrow street and he wanted to be able to park in a garage for security purposes. He went on to say that his was a narrow lot and he shared a common driveway with an adjoining neighbor. The neighbor had a garage and they would utilize a common turnaround area.

Mr. Peebles asked if the neighbors would use the paved area in front of his garage for a turnaround area.

Mr. Brown said there was a cross-easement for the common driveway, but not for the turnaround area.

Mr. Collier noted that Mr. Brown wanted to build within 3' of the north and west property lines and asked if two more feet would make a difference.

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Mr. Brown said he could setback an additional two feet.

There was no one present in opposition.

There was a brief discussion about the use of a common turnaround. It was determined that with the placement of the garage 5' off both property lines there would be sufficient area for turning around.

A motion was made by Mr. Collier and seconded by Rev. Cooke to approved a Side Yard Setback, Rear Yard Setback and Site Coverage Variances to allow the construction of the garage within 5' of both the north and the west property lines subject to the following condition:

1. provision of gutters and downspouts.

The motion carried unanimously.

**#5144**

**(Case #ZON2002-02474)**

**Wellington Street Baptist Church**

**1308 Mobile Street**

(West side of Mobile Street, 70'± North of Chastang Street)

**Use and Parking Ratio Variances to allow 22 off-site parking spaces for the expansion of a church parking lot in an R-1, Single-Family Residential District; parking lots are allowed by right in a B-1, Buffer Business District; the Zoning Ordinance requires all parking to be located on-site and 25 parking spaces are required for a church with 100 sanctuary seats.**

*The site plan illustrates the proposed parking, existing building, and proposed additions.*

Mr. Larry Dorsey of Dorsey & Dorsey Engineering represented the applicant and said they were seeking a variance to allow 22 off-site parking spaces on property located across the street from the church. The church had purchased the property because there was insufficient parking area on the church property for the 100-seat sanctuary. There would be 2 handicapped spaces provided on the church property.

There was no one present in opposition.

A motion was made by Mr. Collier and seconded by Mr. Lee to approve the request for Use and Parking Ratio Variances to allow 22 off-site parking spaces for the expansion of a church parking lot in an R-1, Single-Family Residential District at the above referenced location subject to the following condition:

1. the applicant obtain the necessary approvals from the Planning Commission and compliance with any conditions thereof.

The motion carried unanimously.

**#5145**

**(Case #ZON2002-02477)**

**Nathaniel Johnson**

**2158 Dickens Street**

(East side of Dickens Street, 217' ± North of Osage Street)

**Side Yard Setback and Combined Side Yard Total Setback Variances to enclose a patio within 2.4' of the side property line, and provide a total combined side yard of 12.4'; a minimum side yard setback of 7.1'and a total combined side yard setback of 16.6' is required for a 50' wide lot in an R-1, Single-Family Residential District.**

*The site is surrounded by single-family residential dwellings.*

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Mr. Nathaniel Johnson of 2158 Dickens Street, the applicant, stated that he was seeking a variance to allow him to retain a covered patio on his home.

Mr. Peebles asked if the patio was constructed without a building permit.

Mr. Johnson said yes.

Mr. Peebles asked if there were complaints from neighbors.

Ms. Pappas stated that an inspector investigated the site based on a complaint.

Mr. Peebles asked if the complaint was part of the file.

Ms. Pappas was not certain.

Ms. Valerie Madison, 2155 Osage Street, stated that her property abutted the rear of Mr. Johnson's property and she had no opposition to the current placement of the patio.

In discussion, Ms. Pappas noted that although the subject property was not in a Historic District, it was in an older part of the City and the Zoning Ordinances contained allowances for narrow lots, and that it was not unusual in older parts of the City for the Board to allow 5' setbacks.

A motion was made by Rev. Cooke and seconded by Mr. Lee to approve Side Yard Setback and Combined Side Yard Total Setback Variances to enclose the patio within 5' of the side property line and provide a combined side yard of 10'.

The motion carried unanimously.

**#5146**

**(Case #ZON2002-02479)**

**Mrs. Carzetta Scott**

**213 Furr Street**

(West side of Furr Street, 208' ± South of Old Carline Street)

**Use, Off-Site Parking and Parking Surface Variances to allow a lounge, with 34 off-site parking spaces and an aggregate parking and maneuvering surface in an R-1, Single-Family Residential District; a lounge is allowed by right in a B-2, Neighborhood Business District, the Zoning Ordinance requires all parking to be located on-site; asphalt, concrete or an approved alternative paving surface is required for all parking and maneuvering areas.**

*The site plan illustrates the existing buildings, fencing, ad proposed parking and curb cuts.*

Ms. Carzetta Scott, the applicant, stated that she was seeking a variance to use the subject property for a club, and that it was previously used as a club.

Mr. Peebles asked when the property was used as a club.

Ms. Scott said from 1969 until 1996.

Mr. Peebles asked why the property could not be used as a single-family residence and if the structure was built as a home.

Ms. Scott said it was not built as a home, but a commercial building.

Mr. Ted Davis of 3262 Old Shell Road opposed the application stating that parking in the area was a problem when the structure was previously used as a club. Debris from patrons of the club was also a problem.

Mr. Tyrone Figures of 208 Furr Street stated that there was insufficient parking for the subject property to be used as a club. He felt it was an inappropriate use for the residential neighborhood.

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Mr. Edward Taylor of 2787 Haas Avenue supported the application because he and his partner were trying to lease the building from Ms. Scott.

Mr. Peebles asked if Mr. Taylor was involved with the club that was previously on the site.

Mr. Taylor said he was employed there and now owns another club on Old Shell Road and that the lease expired in September. At that time they leased the subject site from Ms. Scott, unaware that the use had reverted to single-family residential. They had made a financial investment renovating the property. They had arranged for off-street parking to alleviate on-street parking problems. Mr. Taylor stated that the area around the Old Shell Road site was kept clean of debris and that they proposed to do the same at this site. He went on to say that there were no police calls in the two years they operated at the Old Shell Road site.

Mr. Peebles noted that Mr. Taylor had leased a lot nearby to alleviate on-street parking.

Discussion centered on the previous use of the subject property as a nightclub. It was noted that no record of a business or alcohol license for the subject property was found. However, the Polk City indicated that a lounge existed at the site.

After further discussion about the existence of a City license for the previous lounge a motion was made by Mr. Collier and seconded by Rev. Cooke to holdover the application until the January 6, 2003, to allow the applicant sufficient time to submit copies of all City of Mobile and ABC licenses for the site.

The motion carried unanimously.

**#5147**

**(Case #ZON2002-02480)**

**Christopher S. King**

**208 South Georgia Avenue**

(West side of South Georgia Avenue, 52' ± North of Elmira Street)

**Side Yard Setback and Site Coverage Variances to allow the construction of a 20.8' x 17.6' addition within 6'10" of the side property line and to allow 42% site coverage; a minimum side yard setback of 7' and a maximum site coverage of 35% is required for a 50' wide lot in an R-1, Single-Family Residential District.**

*The site plan illustrates the existing and proposed structures.*

Mr. Chris King, 208 South Georgia Avenue, the applicant stated that he was seeking a variance to allow him to construct an addition to the rear of his existing structure. His plan would exceed the site coverage and side yard setback regulations.

Mr. Peebles asked if Mr. King had been before the Architectural Review Board.

Mr. King said yes.

Ms. Pappas noted that this application was for a 6'10" side yard set back, which would exceed the typical setback in a Historic District.

There was no one present in opposition.

A motion was made by Mr. Collier and seconded by Rev. Cooke to approve the request for Side Yard Setback and Site Coverage Variances to allow the construction of a 20.8' x 17.6' addition within 6'10" of the side property line and to allow 42% site coverage at the above referenced location subject to the following conditions:

1. the approval of the Architectural Review Board prior to the issuance of any permits; and
2. provision of gutters and downspouts.

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The motion carried unanimously.

**#5148**

**(Case #ZON2002-02481)**

**George R. Sinclair**

**1105 Savannah Street**

(South side of Savannah Street, 76' ± West of George Street)

**Side Yard Setback Variance to allow the construction of an 18' x 18' carport within one foot of the side property line; a minimum side yard setback of 8' is required in an R-1, Single-Family Residential District.**

*The site plan illustrates the existing structure and proposed carport.*

Mr. George Sinclair, 1105 Savannah Street, the applicant, stated that he was seeking a variance to allow him to construct a carport within 1' of the property line. He stated he had a letter of support from his neighbor, Ms. Tommy Major. He asked Mr. John Dendy to speak on his behalf.

Mr. John Dendy stated that he had prepared the plans for the proposed carport. He understood that the Architectural Review Board would not hear the case at this time, but did support the application for a variance. He went on to say that there was a carport there previously, but was removed before the applicant purchased the home. Mr. Dendy noted that the neighborhood typically had outbuildings on or near the property line. He felt the design of the proposed carport would be in character with the neighborhood, and that the details of the house replicated were on the carport. The carport would have an open side for maintenance concerns, and gutters and downspouts.

Mr. Collier asked if the slab was in the original position.

Mr. Dendy said yes. They proposed to move it approximately 2' to the rear to provide better aesthetics and to keep in character with the neighborhood.

A brief discussion centered on the Architectural Review Board process and whether it was based on the approval of this Board. It was noted that this Board must rule prior to the applicant going before the Architectural Review Board. Ms. Pappas noted that the Architectural Review Board had given a conceptual approval to the plan.

A motion was made by Mr. Lee and seconded by Rev. Cooke to approve the request for a Side Yard Setback Variance to allow the construction of an 18' x 18' carport within one foot of the side property line at the above referenced location subject to the following conditions:

1. the approval of the Architectural Review Board prior to the issuance of any permits; and
2. provision of gutters and downspouts.

The motion carried unanimously.

**OTHER BUSINESS:**

**Appeals**

Ms. Cochran reported that Mr. Hand's case was scheduled for the week of December 9, 2002. She went on to say that Mr. Hand's attorney contacted her to propose a settlement. There was a brief discussion for obtaining the Board's input on the proposed settlement. It was decided that Board members would be contacted by email or facsimile.

There being no further business, the meeting was adjourned.

**APPROVED:**                      January 6, 2003

/s/ Chairman of the Board

**October 7, 2002**

/rm