

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF JULY 8, 2002 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

Reid Cummings, Vice-chairman
Richard Collier
Rev. Clarence Cooke
H. Lamar Lee
Edley Hubbard (S)

MEMBERS ABSENT

John Peebles, Chairman
Rev. P. H. Lewis

STAFF PRESENT

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

OTHERS PRESENT

David Roberts, Traffic Engineering
Ron Jackson, Urban Forestry
John Lawler, Assistant City Attorney

In the absence of Chairman Peebles, Vice-chairman Cummings presided and noted that the number of members present constituted a quorum and called the meeting to order.

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

APPROVAL OF MINUTES:

A motion was made by Mr. Collier and seconded by Rev. Cooke to approve the minutes of the meeting of June 3, 2002, as submitted. The motion carried unanimously.

#5120

(Case #ZON2002-01324)

Paul Wimpee

17 South Florida Street

(East side of South Florida Street, 540' ± South of Dauphin Street)

Use Variance to allow a Beauty Shop in a B-1, Buffer Business District; a minimum of B-2, Neighborhood Business District is required.

The plan illustrates the existing structure and parking.

Mr. Jimmy Rogers of McCrory & Williams, Inc. represented the applicant and stated that the purpose of this request was to allow a beauty shop in an existing business structure. There would be a limited number of employees.

A brief discussion centered on the number of employees and the hours of operation. Mr. Rogers stated that four employees would work 10 a.m. to 6 p.m., Tuesdays through Fridays, three employees would work 9 a.m. to 3 p.m. on Saturdays.

There was no one present in opposition.

A brief discussion occurred regarding the maneuvering area for vehicles. It was noted that there was ample parking in the rear of the building. It was suggested by Mr. Palombo that the Board consider requiring compliance with the Landscape & Tree Ordinance and obtaining an Administrative PUD for shared vehicle access if the application were approved.

A motion was made by Mr. Collier and seconded by Mr. Lee to approve the request for Use Variance to allow a Beauty Shop in a B-1, Buffer Business District subject to the following conditions:

July 8, 2002

1. full compliance with the Landscaping and Tree Ordinance;
2. obtaining an Administrative PUD for shared access; and
3. approval of parking and maneuvering area by the Traffic Engineering Department.

The motion carried unanimously.

#5121

(Case #ZON2002-01339)

Cumulus Broadcasting, Inc.

2800 Dauphin Street, Suite 104

(North side of Dauphin Street, 850' ± West of Mobile Street)

Height and Setback Variances to allow the construction of a 150' Monopole Telecommunications Tower, the maximum allowable height is 45' in a B-3, Community Business District; and to allow the construction of said tower to within 114' of the East property line and 124' from the West property line, a 150' tower must be setback at least 180' from a lease parcel/property line.

The plan illustrates the existing structures and parking, along with the proposed tower location.

Mr. David Wilkins represented the applicant and stated that they concurred with the staff recommendations.

Mr. Cummings stated that due to a Planning Commission condition to locate the tower as far north as possible, a buffer separation variance might be required.

Mr. Wilkins stated that he had met with the staff concerning locating the tower farther to the north and agreed with the staff recommendation in this regard. He pointed out the proposed location for the tower on a drawing and indicated that they would need a buffer separation as well.

Mr. Cummings stated that the Board would consider a buffer separation as part of this request.

There was no one present in opposition.

A motion was made by Mr. Collier and seconded by Rev. Cooke to approve the request for Height, Buffer Separation and Setback Variances to allow the construction of a 150' Monopole Telecommunications Tower, the maximum allowable height is 45' in a B-3, Community Business District subject to the following conditions:

1. the tower to be located as far North on the site as possible, exact location to be approved by the Land Use Administration Office;
2. provision of frontage trees;
3. provision of co-location for additional telecommunications provider(s); and
4. full compliance with all applicable codes and ordinances.

The motion carried unanimously.

#5122

(Case #ZON2002-01350)

Creekline, Inc.

(West side of Shipyard Road, 1115' ± North of Higgins Road)

Parking Surface and Landscaping/Tree Planting Variances to allow the parking of semi-tractor trailer trucks in a B-5, Office-Distribution District; to allow an aggregate surface for parking and no tree requirements; asphalt, concrete or an approved alternative paving surface is required for all parking and maneuvering areas, and compliance with Landscaping/Tree Planting requirements are required for all new construction.

The site plan illustrates the existing crushed aggregate drive, existing inlets, and proposed silt fences.

July 8, 2002

The applicant was not present.

There were several citizens present in opposition to the application.

A motion was made by Mr. Collier and seconded by Mr. Lee to deny the request for Parking Surface and Landscaping/Tree Planting Variances to allow the parking of semi-tractor trailer trucks in a B-5, Office-Distribution District; to allow an aggregate surface for parking and no tree requirements.

The motion carried unanimously.

#5123

(Case #ZON2002-01354)

Friendship Baptist Church

2667 Reaves Street

(North side of Reaves Street, 325' ± East of Mobile Street)

Use and Parking Variances to allow 9 off-site parking spaces for the expansion of a church parking lot in an R-1, Single-Family Residential District; the Zoning Ordinance requires all parking to be located on-site and parking lots are allowed by right in B-1, Buffer Business District.

The plan illustrates the existing and proposed parking and structures.

Ms. Merceria Ludgood, Chairman of the Board of Trustees for Friendship Baptist Church, represented the applicant and stated they were requesting approval for use of off-site parking on a vacant lot owned by the Church.

There was no one present in opposition to the application.

Mr. Ashley noted that a previous application was approved, but expired. He stated that this site plan differed dramatically from the previous approval in that the previous approval was for 28 off-site parking spaces and this application included only nine.

An extended discussion centered on the differences in the two plans. It was noted that the 28 parking spaces previously approved on a lot across from the church were reduced to nine with this plan, and that the proposed plan also reduced parking adjacent to the existing church. Although the proposed plan indicated parking to the south of the church, the parking spaces were not delineated and a total number could not be determined. No explanation was provided for the reduction of parking spaces from the previously approved plan. A total of 63 parking spaces were required.

A motion was made by Mr. Hubbard and seconded by Mr. Collier to hold over the request for Use and Parking Variances to allow 9 off-site parking spaces for the expansion of a church parking lot in an R-1, Single-Family Residential District, until the August 5, 2002, meeting to allow the applicant time to present more information to the Land Use Administration Office staff pertaining to the total number of parking spaces.

The motion carried unanimously.

#5124

(Case #ZON2002-01356)

Katt's Christian Day Care & Child Development Center

2700 First Avenue

(Northwest corner of First Avenue and Main Street)

Use Variance to allow a commercial (private) day care to an existing church in an R-1, Single-Family Residential District; Day Care is allowed in B-1, Buffer Business Districts with Planning Approval, and by right in B-2, Neighborhood Business Districts.

The site plan illustrates the existing structure and parking lot.

July 8, 2002

Mr. M. Don Williams of Williams Engineering represented the applicant and stated that this application was approved in February 2002 with a condition. That condition was not met, and the approval expired. They resubmitted the application and felt that the recommended conditions of approval for this application would be a financial burden for the Church and Day Care Center. Specifically, the cost of placing approximately 15 trees and a sidewalk would be prohibitive. He explained that this was a low-income area in need of a day care facility, and there were no plans for expanding the facility. Mr. Williams requested that the two conditions be removed.

There was no one present in opposition.

Mr. Ashley noted that in the mid-1990's the church received Planning Approval to expand with a condition of full compliance with the Landscape and Tree Ordinance to the greatest degree practicable. The staff recommendation for this application was to ensure that the site remained in compliance with the previous Planning Approval. He went on to say that the requirement to establish a legal lot of record attached to the previous approval was resolved. Mr. Ashley felt sidewalks were a necessity in the area for parents walking children to the day care center, and would serve to encourage foot traffic for local businesses.

A brief discussion centered on the need for sidewalks and sidewalks currently existing in the area. It was noted that sidewalks were placed sporadically in the area. Further discussion centered on the availability of space for placement of 13 trees.

A motion was made by Mr. Collier and seconded by Mr. Hubbard to approve the request for a Use Variance to allow a commercial (private) day care to an existing church in an R-1, Single-Family Residential District subject to the following condition:

1. to coordinate with Urban Forestry to bring site into compliance with Landscape and Tree requirements.

The motion carried unanimously.

#5125

(Case #ZON2002-01358)

William B. & Leigh B. Givhan

1 Ridgelawn Drive West

(Northwest corner of Old Shell Road and Ridgelawn Drive West)

Rear Yard Setback Variance to allow the addition of a carport to within 4' of a rear (West) property line; an 8' rear yard setback is required in a R-1, Single-Family Residential District.

The site plan illustrates the existing building and proposed additions.

The applicant was not present

A motion was made by Mr. Collier and seconded by Mr. Hubbard to deny the request for a Rear Yard Setback Variance to allow the addition of a carport to within 4' of a rear (West) property line.

The motion carried unanimously.

#5126

(Case #ZON2002-01360)

Ralph A. Hargrove

102 Grand Boulevard

(Northeast corner of Old Shell Road and Grand Boulevard)

Fence Height Variance to allow the construction of a 6' solid wooden privacy fence along a side street property line; the maximum height of a fence within 20' of a side street property line is 3', or a minimum side street setback of 20' is required in an R-1, Single-Family Residential District.

July 8, 2002

The plan illustrates the existing structure and the proposed fence.

Mr. Ralph Hargrove, 102 Grand Boulevard, stated that the purpose of this variance request was to allow a 6' wooden privacy fence for his corner lot. He presented a packet of photographs he felt demonstrated similar situations in the immediate area. Mr. Hargrove felt the proposed fence would enhance the aesthetics of the area.

A brief discussion centered on the location of the proposed fence, line-of-sight now, and in the future. It was noted that the proposed fence would replace the existing chain link fence. Mr. Hargrove felt the proposed fence would not impede the line-of-sight at the intersection of Old Shell Road and Grand Boulevard. He agreed to move the fence in the future, if Old Shell Road were widened.

There was no one present in opposition.

Discussion centered on other corner lots with fences in the area. It was noted that there were many corner lots with fences.

A motion was made by Mr. Collier and seconded by Mr. Lee to approve the request for a Fence Height Variance to allow the construction of a 6' solid wooden privacy fence along a side street property line subject to the following conditions:

1. approval of initial placement of fence by Traffic Engineering; and
2. relocation and placement of fence to be approved by Traffic Engineering should Old Shell Road be widened in the future.

The motion carried unanimously.

#5127

(Case #ZON2002-01363)

Mary S. Trufunt

258 Stocking Street

(West side of Stocking Street, 150' ± North of Eslava Street)

Side Yard Variance to allow the construction of a living area addition to an existing structure within 4.5' of a side (North) property line; an 8' minimum side yard setback is required in R-1, Single-Family Residential Districts.

The plan illustrates the existing and proposed structures.

Ms. Mary (Trufunt) Rouse stated the purpose of this request was to allow an addition to the original structure. She said the addition would be kept in line with the existing structure.

Mr. Hubbard asked if she was aware that the Architectural Review Board would have to approve the plan.

Ms. Rouse said yes.

There was no one present in opposition.

A motion was made by Mr. Collier and seconded by Mr. Lee to approve the request for a Side Yard Variance to allow the construction of a living area addition to an existing structure within 4.5' of a side (North) property line subject to the following conditions:

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

The motion carried unanimously.

July 8, 2002

OTHER BUSINESS:

A motion was made by Mr. Hubbard and seconded by Rev. Cooke to adopt the 2002-2003 Meeting/Deadline Schedule as presented.

The motion carried unanimously.

Appeals

Mr. Lawler reported that Board's approval of a Sign Variance for Mobile Infirmary at Dauphin and Kenneth Streets was upheld in a jury trial.

A non-jury trial for the denial of a Parking Variance for Bloomers Florist was set for July 23, 2002.

There being no further business, the meeting was adjourned.

APPROVED: August 5, 2002

/s/ Chairman of the Board

/rm