

BOARD OF ZONING ADJUSTMENT

Results AGENDA

April 3, 2023 - 2:00 P.M.

Auditorium, Government Plaza

I. CALL TO ORDER:

Chairman William Guess

II. ROLL CALL

x	William L. Guess, Chairman
x	Sanford Davis, Vice-Chairman
x	Lewis Golden
x	Adam Metcalfe
x	Jeremy B. Milling
x	Chris Carroll
	Gregory Morris, Sr.

Staff: Butch Ladner, Grace Toledo, Victoria Burch, Doug Anderson, Margaret Pappas, Bert Hoffman

III. ADOPTION OF THE AGENDA:

Motion by Adam Metcalfe. Second by Chris Carroll. **Adopted.**

IV. PUBLIC HEARINGS:

1. #6501/6214

(Case #BOA-002389-2023)

Robert Maurin

221 Dauphin Street

(South side of Dauphin Street, 60'± East of South Joachim Street).

Site Variance to allow gallery columns to not have bases or capitals as well as a 16" thick gallery deck on a proposed building renovation in a T-5.2 Sub-district within the Downtown Development District: the Zoning Ordinance requires gallery columns to have bases and capitals and prohibits gallery decks thicker than 9" in a T-5.2 Sub-district within the Downtown Development District.

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Council District 2

Motion by Jeremy Milling. Second by Lewis Golden. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval:

- a) approving the variances will not be contrary to the public interest in that the additional thickness in the gallery deck exceeds the width that is required; and the lack of a base or capital for the columns align more with the architectural aesthetics desired to complete the look for the overall building;
- b) special conditions may exist, that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- c) the spirit of the chapter may be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because it will be in keeping with existing balconies within the surround area.

The Approval is subject to the following conditions:

- 1) submission of building permits; and
- 2) full compliance with all other municipal codes and ordinances.

2. #6505

(Case #BOA-002409-2023)

PCDA Architecture (Paul Davis, Agent)

5900 McMurray Street

(Northwest corner of McMurray Street and Galloway Avenue).

Front Yard and Side Street Side Yard Setback Variances to allow a building expansion into the required front yard and side street side yard setbacks in an R-1, Single-Family Residential District; the Zoning Ordinance requires full compliance with the front yard and side street side yard setbacks in an R-1, Single-Family Residential District.

Council District 6

Motion by Jeremy Milling. Second by AM. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval:

- a) Approving the variance request will not be contrary to the public interest due to the fact that similar variance requests have been approved for structures in the past for corner lots in older areas of the City with legal nonconforming setbacks;
- b) Special conditions exist, such as the fact that the dwelling appears to have been constructed under previous and lesser setback requirements, such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and

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- c) The spirit of the chapter shall be observed and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the variance in that it will allow a dwelling expansion harmonious with the existing dwelling.

The Approval is subject to the following conditions:

- 1) the obtaining of the proper permit(s) for the construction of the expansion;
- 2) shifting the garage to the West to provide an 8.5-foot setback along Galloway Avenue;
- 3) subject to the Engineering comments: (If the proposed variance is approved the applicant will need to have the following conditions met: 1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit (Single Family Residential Affidavit) be submitted through the CSS Portal. 2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way. 3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.); and
- 4) full compliance with all municipal codes and ordinances.

3. #6506/6473

(Case #BOA-002418-2023)

Victor Sign Company (Orin Robinson, Agent)

4685 Airport Boulevard

(South side of Airport Boulevard, 200'± East of the South terminus of General Bullard Avenue).

Sign Variance to amend a previously approved Sign Variance to allow an increased area for an approved digital sign within 300-feet of residentially zoned property in a B-2, Neighborhood Business District; the Zoning Ordinance limits the area of approved digital signs within 300-feet of residentially zoned property in a B-2, Neighborhood Business District.

Council District 6

Motion by Adam Metcalfe. Second by Chris Carroll. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval:

- a) Approving the variance will not be contrary to the public interest in that the residentially zoned property within 300 feet of the subject site is in legal nonconforming commercial use;
- b) Special conditions exist (the residentially zoned property within 300 feet of the subject site is actually in commercial use) such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and

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- c) The spirit of the chapter shall be observed and substantial justice done to the applicant and surrounding neighborhood by granting the variance because it will not be a detriment to the neighborhood.

The Approval is subject to the following conditions:

- 1) obtaining of the necessary sign permit, with the sign manufacturer's certifications of compliance with the digital sign standards;
- 2) obtaining of an electrical permit; and
- 3) full compliance with all other municipal codes and ordinances.

4. #6507/4555/4428/4265/486/285

(Case #BOA-002424-2023)

James B. Donaghey, Inc.

1770 & 1776 Old Shell Road, and 120 Mobile Infirmary Boulevard

(Northeast corner of Old Shell Road and Mobile Infirmary Boulevard).

Site Variance to amend a previously approved Site Variance to allow an addition to an existing commercial building in a B-2, Neighborhood Business District; the Zoning Ordinance limits commercial sites to the site plan approved by any previous variance in a B-2, Neighborhood Business District.

Council District 2

Motion by Adam Metcalfe. Second by Lewis Golden. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval:

- a) Approving the variance will not be contrary to the public interest in that the proposed expansion is in keeping with the existing business on site; and
- b) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance as it will not have a substantial impact on surrounding properties.

The Approval is subject to the following conditions:

- 1) compliance with the Engineering comments: (If the proposed variance is approved the applicant will need to have the following conditions met: 1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through the CSS Portal. 2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way. 3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. Applicant agrees to install

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adequate BMPs during construction to protect from sediment/pollutants leaving the site.);

- 2) truck gate entrance on Mobile Infirmary Boulevard to be open during business hours;
- 3) gate entrance on Old Shell Road to be only for passenger vehicle access and to be open during business hours;
- 4) obtaining of a building permit for the proposed addition;
- 5) submittal to and approval by Planning and Zoning of a revised site plan; and
- 6) full compliance with all other municipal codes and ordinances.

5. #6508/6209

(Case #BOA-002436-2023)

Wrico Signs (Kelli Johnson, Agent)

5440-D U.S. Highway 90 West

(West side of U.S. Highway 90 W, 600'± South of Three Notch Road, extending to the East side of Old Pascagoula Road).

Sign Variance to allow two (2) wall signs for a tenant on a multi-tenant commercial site in a B-3, Community Business District; the Unified Development Code allows one (1) wall sign for a tenant on a multi-tenant commercial site in a B-3, Community Business District.

Council District 4

Motion by Adam Metcalfe. Second by Sanford Davis. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval:

- a) The variance will not be contrary to the public interest;
- b) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- c) The spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

6. #6509/5989/5778/5585/3157/1500

(Case #BOA-002437-2023)

Wright Transportation (Gerald Byrd, Agent)

2333 & 2335 Dauphin Island Parkway, 1917 Military Road and 2216 Cassie Lane

(East side of Dauphin Island Parkway, 220'± North of Rosedale Road, extending to the Southwest corner of Military Road and Cassie Lane).

Use Variance to amend the site plan of a previously approved Use Variance to allow two (2) temporary office trailers on-site for two (2) years in a B-3, Community Business District; the Unified Development Code does not allow temporary office trailers on-site for more than 180 days in a B-3, Community Business District.

Council District 3

Motion by Adam Metcalfe. Second by Sanford Davis. **Approved.**

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After discussion, the Board determined the following Findings of Fact for Approval:

- a) The variance will not be contrary to the public interest;
- b) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- c) The spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

The Approval is subject to the following conditions:

- 1) Provision of an overall site plan for the entire facility, reflecting the current development with the proposed one (1) office trailer;
- 2) Office trailer placement limited to two years; and
- 3) Obtaining of all required permits.

7. #6510

(Case #BOA-002451-2023)

Box Owt LLC (Artious Walker, Agent)

263 and 267 Dauphin Street

(South side of Dauphin Street, 43'± East of South Jackson Street).

Materials, Transparency, Mechanical Equipment Screening, and Frontage Type Variances to allow metal siding, reduced transparency and security bars, no mechanical equipment screening, and a non-compliant frontage type; the Unified Development Code does not allow metal siding, requires compliant transparency, prohibits security bars, requires mechanical equipment screening, and requires a compliant frontage type.

Council District 2

Motion by Sanford Davis. Second by Adam Metcalfe. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval of variances from *Section 10.B.3.(c)* [security bars/fence/gate] and *Section 10.C.4.(e)* [Pedestrian Forecourt frontage type] of Appendix A of the Unified Development Code:

- a) The variance will not be contrary to the public interest;
- b) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- c) The spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

The Approval is subject to the following conditions:

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- 1) Prior to any request for a Temporary Certificate of Occupancy, submittal of architectural drawings to Permitting which reflect the rendering submitted to the Board of Adjustment (page 14 of 16 in the staff report), as well as the approval granted by the Consolidated Review Committee [*which includes screening of mechanical equipment on each pod, stucco over the metal siding for the pods and facade, glazing in the 'shipping container doors' and the provision of a window in the pod on the right side facing Dauphin Street, as shown in the rendering*];
- 2) If fencing or gates are proposed as part of the final product façade, accurate depiction on the architectural drawings submitting to Permitting; and
- 3) Clear delineation of phasing on architectural drawings, indicating what will be completed for an initial Temporary Certificate of Occupancy versus the Final Certificate of Occupancy, with all work to be completed within 12 months of the date of the Board's approval.

Please note that the approval of the Board does not relieve the applicant from compliance with **Building Code, Fire Code, Architectural Review Board** nor any other City Code requirements.

V. OTHER BUSINESS: