

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

August 1, 2022 - 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	William Carroll, III.
X	Gregory Morris, Sr.

Staff: Doug Anderson, Margaret Pappas, Marie York, Bert Hoffman, Victoria Burch, Elkie Williams, Marybeth Bergin, George Davis, Captain Sam Allen

III. ADOPTION OF THE AGENDA:

Motion to adopt by Adam Metcalfe. Second by Greg Morris. **Adopted.**

IV. HOLDOVERS:

1. #6461/6375

(Case #BOA-002046-2022)

Erik Eckhart

5535 and 5575 U.S. Highway 90 West

(East side of U.S. Highway 90 West, 100'± North of Kooiman Road).

Sign Variance to allow a total of seven (7) signs, with one being a 100-foot-high rise sign on a single-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance allows a single-tenant commercial site to have no more than three (3) signs, of which not more than one (1) may be freestanding, and not more than 35-feet tall in a B-3, Community Business District.

Council District 4

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Motion to approve by Adam Metcalfe. Second by Jeremy Milling. **Approved.**

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

- 1) Approving the variance request will not be contrary to the public interest;**
- 2) Special conditions appear to exist, such 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.**

The approval is limited to the revised sign package:

- 1) Total of six (6) permanent signs, with canopy signs not to extend above or below the canopy;**
- 2) No logo on the scales signage or exit signs along Kooiman Road, with scales signage no more than 20 square feet**
- 3) Two (2) temporary signs as submitted; and**
- 4) One (1) High-Rise sign, maximum of 100 feet in height.**

2. #6462/5738

(Case #BOA-002048-2022)

Kendall Dumas

354 St. Francis Street

(North side of St Francis Street, 53'± West of North Claiborne Street).

Use Variance to allow operation of a freestanding parking lot in a T-5.1 Sub-District of the Downtown Development District; the Zoning Ordinance does not allow freestanding parking lots in a T-5.1 Sub-District of the Downtown Development District.

Council District 2

Motion to deny by Adam Metcalfe. Second by Jeremy Milling. **Denied.**

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

- 1) approving the variance request will be contrary to the public interest in that the site can be developed without the need for the requested variances;**
- 2) special conditions with the site or unusual site constraints do not exist that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the site can be used in a compliant manner; and**
- 3) the spirit of the chapter shall not be observed, and substantial justice shall not be done to the surrounding neighborhood by granting the variances because no similar variances have been granted in the area.**

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3. #6464/4770

(Case #BOA-002056-2022)

Deborah May

5032 Government Boulevard

(East side of Government Boulevard, 566'± North of Lansdowne Drive).

Use Variance to allow ten (10) children in a home-based child day care business in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow more than six (6) children in a home-based child day care business in an R-1, Single-Family Residential District.

Council District 4

Motion to deny by Greg Morris. Second by Sanford Davis. **Denied.**
Adam Metcalfe opposed.

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

- 1) Approving the variance will be contrary to the public interest in that it will be contrary to Section 64-12 of the Zoning Ordinance regarding permitted uses;
- 2) Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship since a home-based day care business is operated from the property in compliance with the Zoning Ordinance; and,
- 3) The spirit of the chapter shall not be observed, and substantial justice shall not be done to the surrounding neighborhood by granting the Variance because the surrounding properties are zoned for residential use.

4. #6467

(Case #BOA-002070-2022)

Jordan Kent Johns

1315 Creekway Drive

(Northwest corner of Creekway Drive and Pinehaven Drive).

Setback Variance to allow reduced side yard setbacks for two dwellings in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum side yard setback of eight (8)-feet in an R-1, Single-Family Residential District.

Council District 3

Motion to approve by Jeremy Milling. Second by Lewis Golden (*Sanford Davis?*). **Approved.**

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

- 1) Granting the variance will not be contrary to the public interest in that it will bring the site into compliance with the Zoning Ordinance requirement regarding the maximum allowable dwellings on a R-1, Single-Family Residential site;
- 2) Special conditions and hardships do exist in such a way that a literal enforcement of the provisions of the chapter may result in an unnecessary hardship, as the dwellings

have existed in the current locations for at least 13 years with no complaints from neighbors; and

- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance will help resolve a zoning violation created by previous property owners.

Approval of the request is subject to the following conditions:

- 1) Approval of the associated Subdivision by the Planning Commission; and
- 2) Full compliance with all municipal codes and ordinances.

V. PUBLIC HEARINGS:

5. #6470

(Case #BOA-002110-2022)

Bay Barbeque

55, 57, and 59 North Florida Street

(Southwest corner of North Florida Street and Dohm Street).

Front Yard and Side Street Side Yard Setbacks, Off-Site Parking, and Parking Surface Variances to allow an existing structure with a new deck in the front yard and side street side yard setbacks, off-site parking to be utilized for a restaurant, and aggregate parking surfacing in a B-2, Neighborhood Business District; the Zoning Ordinance requires all structures to be located out of required front yard and side street side yard setbacks, all required parking to be provided on-site for a restaurant, and all parking to be paved with asphalt, concrete, or an approved alternative paving surface in a B-2, Neighborhood Business District.

Council District 1

Motion to approve by Adam Metcalfe. Second by Greg Morris. **Approved.**
Jeremy Milling opposed.

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

- 1) Approving the variance request will not be contrary to the public interest;
- 2) Special conditions appear to exist, such 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.

Approval of the request is subject to the following conditions:

- 1) Compliance with Fire Department and Building Code requirements.

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6. #6471/6399/6281/6280
(Case #BOA-002113-2022)

Storm Volleyball Club
65 Sidney Phillips Drive

(Southwest corner of Werkland Street and Sidney Phillips Drive).

Use and Parking Ratio Variances to allow a volleyball club with less than required parking spaces in an I-1, Light Industry District; the Zoning Ordinance does not allow sports and recreation clubs to operate in, and requires compliant parking, in an I-1, Light Industry District.

Council District 1

Motion to holdover by Jeremy Milling. Second by Adam Metcalfe. **Heldover to the September 12, 2022 meeting.**

After discussion, the Board heldover the request until the September 12, 2022 meeting to allow a revised site plan that either shows additional parking being provided in existing paved areas on the west side of the building (including the relocation of any fencing that restricts circulation), or that new paved compliant parking be provided along the grass and dirt areas along the east and north side of the existing building.

7. #6472/5526/5484/5160/391
(Case #BOA-002114-2022)

Crewe of Columbus

(Northeast corner of South Washington Avenue and Kentucky Street).

Use Variance to allow the construction of a float barn in a B-3, Community Business District; the Zoning Ordinance does not allow float barns in a B-3, Community Business District.

Council District 3

Motion to approve by Jeremy Milling. Second by Adam Metcalfe. (*I had AM motion, JM second*) **Approved.**

Lewis Golden recused.

Sanford Davis opposed.

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

- 1) Approving the variance will not be contrary to the public interest in that it is in keeping with the character of the area as well as previous approvals;**
- 2) Special conditions may exist in such a way 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.**

The approval is subject to the following conditions:

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- 1) Denial of access for this development to Kentucky Street;**
- 2) Coordination with staff to insure the location of tree plantings along Washington Avenue and Kentucky Street allow for float clearance as the trees mature;**
- 3) Compliance with Urban Forestry comments: (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit. Preservation status should be granted to the 44" Live Oak tree along the South of the site. The applicant should coordinate with Urban Forestry staff to insure the proposed development will not negatively impact the health of the tree.*);**
- 4) compliance with Fire comments: (*All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.*);** and
- 5) full compliance with all municipal codes and ordinances.**

VI. OTHER BUSINESS: