

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

November 7, 2022 - 2:00 P.M.

Auditorium, Government Plaza

I. CALL TO ORDER:

Chairman William Guess

II. ROLL CALL

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

Staff: Jim Rossler, Margaret Pappas, Marie York, Victoria Burch

III. ADOPTION OF THE AGENDA:

Motion made be Adam Metcalfe. Second by Gregory Morris. **Adopted.**

IV. EXTENSIONS:

1. #6449

(Case #BOA-001974-2022)

Lorenzo Martin

2908 Old Shell Road

(North side of Old Shell Road, 120'± West of Union Avenue, extending to the Southeast corner of Yew Street and Hemley Avenue).

Side Street Side Yard and Rear Street Rear Yard Setback Variances to allow a structure within the required side street side yard and rear street rear yard setbacks in a B-3, Community Business District; the Zoning Ordinance requires full

compliance with the side street side yard and rear street rear yard setbacks for structures in a B-3, Community Business District.

Council District 1

Motion to approve made by Adam Metcalfe, seconded by Gregory Morris. **Approved.**

After discussion, the Board approved the request for a six (6) month extension.

V. PUBLIC HEARINGS:

2. #6476

(Case #BOA-002231-2022)

Theophilus Hudson

2401 Wolf Ridge Road

(Northwest corner of Wolf Ridge Road and Dickson Lane).

Use Variance to allow an event venue in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow an event venue in an R-1, Single-Family Residential District.

Council District 1

Motion to approve made by Chris Carroll, seconded by Gregory Morris. **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 due to the fact the site was developed and used commercially;
- 2) Special conditions exist, including the current site conditions, 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 due to the fact that the site would be re-vitalized for a viable use.

The approval is subject to the following conditions:

- 1) provision of parking lot lighting, in compliance with Section 64-6.A.c. of the Zoning Ordinance;
- 2) provision of a note on the site plan stating that ingress and egress gates are to remain open during all hours of event activities;
- 3) retention of the note on the site plan stating that refuse collection will be via curbside collection;
- 4) compliance with the Engineering comments: *(If this variance is approved for use the applicant will need to have the following conditions met: 1. Submit a Tier 2 Land Disturbance Permit for any proposed site improvements. 2. Submit a ROW Permit for any proposed work within the Public ROW. 3. 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. 4. Aggregate surfacing will NOT be allowed within the public ROW.);*

Board of Zoning Adjustment **Results** Agenda
November 7, 2022

- 5) compliance with the 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.);*
- 6) compliance with the Fire-Rescue Department 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.);*
- 7) obtaining of any necessary Building Code and Fire Code permits; and
- 8) full compliance with all municipal codes and ordinances.

3. #6477

(Case #BOA-002234-2022)

Bellingrath LLC (Gerald Byrd, Agent)

4070 Halls Mill Road

(North side of Halls Mill Road, 150'± East of Azalea Road).

Use Variance to allow metal products fabrication in a B-3, Community Business District; the Zoning Ordinance does not allow metal products fabrication in a B-3, Community Business District.

Council District 4

Motion to approve made by Jeremy Milling, seconded by Lewis Golden. **Approved.**

Adam Metcalfe recused.

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 the use would be compatible with uses allowed in a B-3, Community Business District;**
- 2) **Special conditions were illustrated such that the 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 use is consistent with uses in the Halls Mill Road area.**

The approval is subject to the following conditions:

- 1) **Fabrication limited to no more than 7500 square feet of the total square footage of the building.**

Board of Zoning Adjustment **Results** Agenda
November 7, 2022

4. #6478

(Case #BOA-002238-2022)

Johnnie Robinson

4791 Le Sure Road

(South side of Le Sure Road, 275'± East of Old Military Road).

Use Variance to allow an event venue in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow an event venue in an R-1, Single-Family Residential District.

Council District 4

Motion to approve made by Adam Metcalfe, seconded by Gregory Morris. **Approved.**

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

- 1) **Approving the variance will not be contrary to the public interest;**
- 2) **Special conditions exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship to the property; and,**
- 3) **The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance.**

5. #6479/5492

(Case #BOA-002239-2022)

Cynthia Carter

631 Azalea Road

(North side of Azalea Road, 390'± West of Village Green Drive).

Use and Parking Variances to allow a single-family dwelling on the ground floor and no required parking for a dog day care in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow a single-family dwellings on the ground floor, and requires full compliance with parking requirements for a dog day care in a B-2, Neighborhood Business District.

Council District 5

Motion to approve made by Adam Metcalfe, seconded by Gregory Morris. **Approved.**

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:

- 1) Approval of the associated Planning Approval and Planned Unit Development applications;
- 2) Revision of the site plan to depict any changes as required by approval of the associated Planning Approval and Planned Unit Development applications;
- 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.

6. #6480/6342

(Case #BOA-002240-2022)

Architecture & Design, Inc. (Timothy Spafford, Agent)

200 North Royal Street

(Block bounded by North Royal Street, State Street, North Water Street and St. Anthony Street).

Building Material, Window Transparency and Fence Height Variances to allow a metal modular building with reduced window transparency, and a perimeter fence height of 10' in a T-6 Sub-District of the Downtown Development District; the Zoning Ordinance prohibits metal exterior finishes on structures, requires a window transparency of at least 78%, and limits a perimeter fence height to a maximum of 8' within a T-6 Sub-District of the Downtown Development District.

Council District 2

Motion to approve made by Jeremy Milling, seconded by Gregory Morris. **Approved.**

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

- 1) Approving the variance will not be contrary to the public interest because the proposed changes to the site are in keeping with the character of the existing development;
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the FBI has unique requirements related to security that other sites do not have; 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:

- 1) obtaining of Consolidated Review Committee (CRC) approval;
- 2) obtaining associated building permits; and
- 3) full compliance with all municipal codes and ordinances.

7. **#6481**

(Case #BOA-002243-2022)

Robert K. Moore and Jacqueline L. Moore

4660 Airport Boulevard

(North side of Airport Boulevard, 200'± West of South University Boulevard).

Parking Ratio Variance to allow reduced parking for a lounge in a B-2, Neighborhood Business District; the Zoning Ordinance requires full compliance with the parking requirements for a lounge in a B-2, Neighborhood Business District.

Council District 6

Heldover to the December 5th meeting due to extenuating circumstances.

Staff recommends to the Board the following findings of fact for Denial:

- 1) **Approving the variance will be contrary to the public interest in that patrons coming to the subject site will most likely utilize parking on adjacent property, whose use has not been authorized by the owner of the adjacent property;**
- 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 to residents in the surrounding area; 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.**

VI. OTHER BUSINESS: