

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

September 12, 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
	Gregory Morris, Sr.

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

III. ADOPTION OF THE AGENDA:

Motion made by Jeremy Milling. Second by Lewis Golden

IV. HOLDOVERS:

1. **#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 approve by Jeremy Milling. Second by Adam Metcalfe. **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 subject to the following conditions:

- 1) **Provide paved surfacing for all parking areas;**
- 2) **Obtain a non-utility right-of-way use agreement for parking extending into the right-of-way; and**
- 3) **No tournaments to be held on site.**

V. EXTENSIONS:

2. #6313

(Case #BOA-001206-2020)

St Louis 554, LLC

151 North Cedar Street and 554 St. Louis Street

(Northwest corner of North Cedar Street and St. Louis Street).

Use Variance to allow a freestanding parking lot in an SD-WH, Special District – Warehousing Sub-District of the Downtown Development District; the Zoning Ordinance prohibits parking as a primary use on the property in an SD-WH, Special District – Warehousing Sub-District of the Downtown Development District.

Council District 2

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

After discussion, the Board Approved the request for a six-month extension. However, the applicant should be made aware that future extensions are unlikely.

3. #6314

(Case #BOA-001207-2020)

Mariner Mobile I, LLC

505, 507, & 515 St. Louis Street and 510 St. Michael Street

(Southeast corner of St. Louis Street, and North Cedar Street, extending to the Southwest corner of St. Louis Street and North Lawrence Street, and the Northeast corner of North Cedar Street and St. Michael Street).

Transparency Variance to allow reduced transparency in an SD-WH, Special District – Warehousing Sub-District of the Downtown Development District; the Zoning Ordinance requires a minimum of 80% transparency along a primary frontage, and

30% transparency along a secondary frontage for Shopfront frontage types in an SD-WH, Special District – Warehousing Sub-District of the Downtown Development.

Council District 2

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

After discussion, the Board Approved the request for a six-month extension. However, the applicant should be made aware that future extensions are unlikely.

VI. PUBLIC HEARINGS:

4. #6473

(Case #BOA-002141-2022)

Victor Sign Company

4685 Airport Boulevard

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

Sign Variance to allow a digital sign within 300 feet of residentially zoned property; the Zoning Ordinance does not allow digital signs within 300 feet of residentially zoned property.

Council District 6

Motion to approve by Jeremy Milling. Second by Adam Metcalfe. **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 the residentially zoned property within 300 feet of the subject site is in legal nonconforming commercial use;**
- 2) 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**
- 3) 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.**

5. #6474/6218

(Case #BOA-002154-2022)

Springhill Village, LLC

4350, 4354, 4356, 4358, 4360, 4362, 4364 and 4366 Old Shell Road

(North side of Old Shell Road, 390'± West of Dilston Lane, extending to the East side of North McGregor Avenue, 480'± North of Old Shell Road).

Sign Variance to amend a previously approved Sign Variance to allow two freestanding signs in a Village Center Sub-district of a Traditional Center District overlay; the Zoning Ordinance does not allow two freestanding signs in a Village Center Sub-district of a Traditional Center District overlay.

District

7

Motion to approve by Jeremy Milling. Second by Adam Metcalfe. **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 the previously approved Sign Variance allowed for two freestanding signs for the subject site;**
- 2) **Special conditions (the site is the largest developed commercial property within the Traditional Center District overlay and approval will allow for the implementation of certain aspects of the TCD Regulating Plan for site improvements) exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship with respect to the site configuration and tenant signage visibility; 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 it will allow for site improvements under the Regulating Plan intended for the Spring Hill area.**

The Approval is subject to the following conditions:

- 1) **obtaining of the necessary sign permits;**
- 2) **subject to 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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.*);**
- 3) **subject to the Fire 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).*); and**
- 4) **full compliance with all municipal codes and ordinances.**

6. #6475

(Case #BOA-002162-2022)

Lee Waldrop

455 South Broad Street

(East side of South Broad Street, 106'± South of Elmira Street).

Access and Surfacing Variances to allow reduced access width and aggregate access and parking surfacing in a B-2, Neighborhood Business District; the Zoning Ordinance requires compliant access width and compliant access and parking surfacing in a B-2, Neighborhood Business District.

Council District 2

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

After discussion, the Board determined the following Findings of Fact for Approval of the Access (Width) and Surfacing Variances:

- 1) **Approving the variance will not be contrary to the public interest in that the existing structure has been in its current configuration for approximately 40 years;**
- 2) **Special conditions do exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship since the site would only be able to provide compliant access if a portion of the existing structure were removed; and,**
- 3) **The spirit of the chapter shall be observed, and substantial justice shall be done to the applicant and surrounding neighborhood by granting the variances as the site has been used for approximately 40 years.**

This approval should be subject to the following conditions:

- 1) **Obtain any after-the-fact permits needed for clearing the property;**
- 2) **Retention of the compliant residential buffer along the rear property line;**
- 3) **Revision of the site plan to either depict a dumpster with a compliant enclosure and sanitary sewer connection, or include a note stating that curbside pickup will be utilized; and**
- 4) **Full compliance with all municipal codes and ordinances.**

VII. OTHER BUSINESS: