



# MOBILE BOARD OF ZONING ADJUSTMENT RESULTS AGENDA

APRIL 1, 2024 – 2:00 P.M.

## ADMINISTRATIVE

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### ROLL CALL

X	MR. WILLIAM L. GUESS, CHAIRMAN
X	MR. SANFORD DAVIS, VICE CHAIRMAN
X	MR. LEWIS GOLDEN
X	MR. ADAM METCALFE
	MR. JEREMY B. MILLING
X	MR. CHRIS CARROLL
X	MR. GREGORY MORRIS, SR.
X	MR. TAYLOR ATCHISON, SUPERNUMERARY
	SUPERNUMERARY

ORDER OF HEARING: 2 – 4, THEN 1

STAFF: JIM ROSSLER, MARGARET PAPPAS, MARIE YORK, BERT HOFFMAN, VICTORIA BURCH, GRACE TOLEDO

MOTION TO ADOPT THE AGENDA BY ADAM METCALFE; SECOND BY GREGORY MORRIS.

## HOLDOVERS

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### 1. BOA-SE-002726-2023

**CASE #:** 6561  
**LOCATION:** 3768 SPRING HILL AVENUE AND 851 KNOWLES STREET  
**APPLICANT / AGENT:** REVEREND MONSIGNOR WILLIAM SKONEKI (BENJAMIN P CUMMINGS AGENT)  
**COUNCIL DISTRICT:** DISTRICT 7  
**PROPOSAL:** SPECIAL EXCEPTION TO ALLOW A CEMETERY IN A R-1, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) REQUIRES A SPECIAL EXCEPTION TO ALLOW A CEMETERY IN A R-1, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT.

MOTION TO APPROVE BY ADAM METCALFE; SECOND BY TAYLOR ATCHISON.

WILLIAM GUESS, LEWIS GOLDEN, ADAM METCALFE, AND TAYLOR ATCHISON VOTED TO APPROVE.

GREGORY MORRIS, CHRIS CARROLL, AND SANFORD DAVIS OPPOSED.  
APPLICATION FAILED TO BE APPROVED DUE TO A LACK OF AFFIRMATIVE VOTES.

**AFTER DISCUSSION, THE APPLICATION WAS DENIED DUE TO A LACK OF AFFIRMATIVE VOTES.**

## PUBLIC HEARINGS

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### 2. BOA-002861-2024

**CASE #:** 6580/6550  
**LOCATION:** 6109 HOWELLS FERRY RD  
**APPLICANT / AGENT:** CLAUDE & MELODY HALL  
**COUNCIL DISTRICT:** DISTRICT 7  
**PROPOSAL:** USE VARIANCE TO AMEND A PREVIOUSLY APPROVED USE VARIANCE TO ALLOW A COMMERCIAL DAYCARE TO OPERATE IN A R-1, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) DOES NOT ALLOW COMMERCIAL DAYCARES TO OPERATE IN A R-1, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT.

**MOTION TO APPROVE BY GREGORY MORRIS; SECOND BY TAYLOR ATCHISON. 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.

**THE APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:**

1. REVISION OF THE SITE PLAN TO ILLUSTRATE THE REQUIRED LANDSCAPE ISLANDS EVERY 12 NEW CONTIGUOUS PARKING SPACES, IN COMPLIANCE WITH ARTICLE 3, SECTION 64-3-7.A.3(C)(2).C.;
2. REVISION OF THE SITE PLAN TO ILLUSTRATE A PROTECTION BUFFER WHERE THE SITE ABUTS RESIDENTIALLY ZONED PROPERTY, IN COMPLIANCE WITH ARTICLE 3, SECTION 64-3-8 OF THE UDC;
3. REVISION OF THE SITE PLAN TO REFLECT COMPLIANCE WITH THE DEVELOPMENT STANDARDS OF ARTICLE 3 OF THE UDC, AS LISTED ON PAGE 4 OF THIS REPORT (OR PLACEMENT OF NOTES ON THE SITE PLAN STATING THE SITE WILL COMPLY WITH ALL LISTED DEVELOPMENT REQUIREMENTS, WITH EACH ONE LISTED), AND SUBMISSION OF THE SITE PLAN FOR REVIEW BY PLANNING AND ZONING;
4. COMPLETION OF THE MAJOR MODIFICATION PROCESS TO MODIFY THE PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT;
5. COMPLIANCE WITH ALL ENGINEERING COMMENTS NOTED IN THIS STAFF REPORT;

6. COMPLIANCE WITH ALL TRAFFIC ENGINEERING COMMENTS NOTED IN THIS STAFF REPORT;
7. COMPLIANCE WITH ALL URBAN FORESTRY COMMENTS NOTED IN THIS STAFF REPORT;
8. COMPLIANCE WITH ALL FIRE DEPARTMENT COMMENTS NOTED IN THIS STAFF REPORT;
9. PROVISION OF A COPY OF THE RECORDED SITE PLAN (HARD COPY AND PDF) TO PLANNING AND ZONING; AND,
10. FULL COMPLIANCE WITH ALL MUNICIPAL CODES AND ORDINANCES.

### 3. BOA-002871-2024

**CASE #:** 6581  
**LOCATION:** 664 SCHILLINGER RD S  
**APPLICANT / AGENT:** THOMAS SIGN & AWNING CO (ALVIN RAMOS AGENT)  
**COUNCIL DISTRICT:** DISTRICT 6  
**PROPOSAL:** SIGN VARIANCE TO ALLOW A TOTAL OF 3 WALL SIGNS AND 2 FREESTANDING SIGNS FOR A SINGLE BUSINESS SITE IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) LIMITS SINGLE BUSINESS SITES SITE IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT TO A TOTAL OF 3 SIGNS WITH NO MORE THAN 1 FREESTANDING SIGN.

**MOTION TO APPROVE BY ADAM METCALFE; SECOND BY TAYLOR ATCHISON. 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.

### 4. BOA-002875-2024

**CASE #:** 6582  
**LOCATION:** 556 SHADY OAK DRIVE  
**APPLICANT / AGENT:** BRYAN MAISEL BUILDERS LLC  
**COUNCIL DISTRICT:** DISTRICT 7  
**PROPOSAL:** SETBACK VARIANCE TO ALLOW AN 8 FOOT TALL PRIVACY FENCE WITHIN A RECORDED 25 FOOT REAR YARD SETBACK IN AN R-1, SINGLE FAMILY RESIDENTIAL SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) DOES NOT ALLOW PRIVACY FENCES EXCEEDING 3 FEET TALL WITHIN A RECORDED REAR YARD SETBACK IN AN R-1, SINGLE FAMILY RESIDENTIAL SUBURBAN DISTRICT.

**MOTION TO APPROVE BY ADAM METCALFE; SECOND BY GREGORY MORRIS. 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.

**THE APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1) OBTAIN ALL REQUIRED PERMITS FOR THE STRUCTURE; AND
- 2) FULL COMPLIANCE WITH ALL OTHER MUNICIPAL CODES AND ORDINANCES.