



# Mobile Board of Zoning Adjustment Results Agenda

August 5, 2024 – 2:00 P.M.

## ADMINISTRATIVE

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### Roll Call

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

Staff: Doug Anderson, Bert Hoffman, Marie York, Victoria Burch, Grace Toledo, Jonathan Ellzey

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

## PUBLIC HEARINGS

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### 1. BOA-002997-2024

**Case #:** 6603  
**Location:** 7101 Cottage Hill Road  
**Applicant/Agent:** Paris Ace Cottage Hill / Carlton Paris, Agent  
**Council District:** District 6  
**Proposal:** Sign Variance to allow two (2) freestanding signs for a single business site in a B-2, Neighborhood Business Suburban District; the Unified Development Code (UDC) limits single business sites to a maximum of (1) freestanding sign in a B-2, Neighborhood Business Suburban District.

Motion TO APPROVE by Lewis Golden; second by Jeremy Milling. **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.

## 2. BOA-003006-2024

**Case #:** 6604  
**Location:** 7701, 7705, 7709, 7621, and 7631 Old Government Street Road  
**Applicant/Agent:** James Tate  
**Council District:** District 6  
**Proposal:** Front Yard Setback, Side Yard Setback, Rear Yard Setback, and Site Coverage Variances to allow 15-foot front yard setbacks, 0-foot side yard setbacks, 0-foot rear yard setbacks, and 55% site coverage in an R-3, Multi-Family Residential Suburban District; the Unified Development Code (UDC) requires a 25-foot front yard setback, 10-foot side yard setbacks, 10-foot rear yard setbacks, and 45% site coverage in an R-3, Multi-Family Residential Suburban District

Motion TO APPROVE by Chris Carroll; 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. Approval of the proposed street names by the City Engineer, with any modifications labeled on a revised site plan;
2. Coordinate with Engineering and Traffic Engineering the dedication of corner radii where each lot abuts a private street intersection, as needed;
3. Revision of the site plan to illustrate the applicable utility easements;
4. Placement of a note on the revised site plan stating that the streets are privately maintained and that there shall be no public right-of-way;
5. Revision of the site plan to label each lot with its size in square feet and acres, or provision of a table on the revised site plan with the same information;
6. Revision of the site plan to label each common area with its size in square feet and acres, or provision of a table on the revised site plan with the same information;
7. Placement of a note on the revised site plan stating that the maintenance of all common areas is the responsibility of the property owner(s) and not the City of Mobile;

8. Retention of a table on the site plan providing the front, side, and rear yard setbacks, as approved by the Board of Zoning Adjustment;
9. Compliance with all Engineering comments noted in this staff report;
10. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
11. Compliance with all Urban Forestry comments noted in this staff report;
12. Compliance with all Fire Department comments noted in this staff report; and
13. Full compliance with all other codes and ordinances.

### 3. BOA-003007-2024

<b>Case #:</b>	6605
<b>Location:</b>	3760 Joy Springs Drive
<b>Applicant/Agent:</b>	Duncan Greenwood, Downtown Investment Properties, LP
<b>Council District:</b>	District 4
<b>Proposal:</b>	Residential Buffer Variance to allow a vegetative buffer between an R-1, Single-Family Residential Suburban District and an adjacent B-3, Community Business Suburban District; the Unified Development Code (UDC) requires both a vegetative buffer and a privacy fence/wall where an R-1, Single-Family Residential Suburban District is adjacent to a B-3, Community Business Suburban District.

Motion TO APPROVE by Adam Metcalfe; second by Jeremy Milling. **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 a compliant site plan to include parking calculations and a breakdown of all existing and proposed use types providing the total amount of floor area designated between each use;
2. Provision of a note on the site plan stating that any and all future development of the site must comply with all other requirements of the Unified Development Code;
3. Compliance with all Urban Forestry comments noted in this staff report;
4. Compliance with all Fire Department comments noted in this staff report;
5. Provision of a copy of the recorded site plan (hard copy and pdf) to Planning and Zoning; and,
6. Full compliance with all municipal codes and ordinances.

#### 4. BOA-003008-2024

**Case #:** 6606  
**Location:** 2534 Government Boulevard  
**Applicant/Agent:** Byrd Surveying, Kari Givens  
**Council District:** District 5  
**Proposal:** Use Variance to allow automobile sales in a B-2, Neighborhood Business Suburban District; the Unified Development Code (UDC) requires a minimum of a B-3, Community Business Suburban District to allow automobile sales.

Motion TO APPROVE by Jeremy Milling; second by Adam Metcalfe. **Approved.**  
Lewis Golden opposed

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 either depict a complaint dumpster, or include a note stating that curbside pickup will be utilized;
2. The site is limited to no more than nine (9) inventory vehicles being placed on-site at any time, or provision of a revised site plan depicting a compliant parking surface for expanded vehicle display areas;
3. No inventory vehicles are to be kept in the Government Boulevard right-of-way, and must be kept on private property; and
3. Full compliance with all municipal codes and ordinances.

#### 5. BOA-003009-2024

**Case #:** 6607  
**Location:** 1719 Dauphin Street  
**Applicant/Agent:** Scott Moore  
**Council District:** District 2  
**Proposal:** Use Variance to allow a health/fitness club with personal services in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) does not allow a health/fitness club with personal services in an R-1, Single-Family Residential Urban District.

Motion TO HOLDOVER by Adam Metcalfe; second by Lewis Golden. **Heldover.** **Jeremy Milling recused.**

At the request of the applicant, the application was heldover to the September 9, 2024 meeting to allow time for the applicant to go before the Architectural Review Board and reach out to citizens who expressed concerns.

## 6. BOA-003010-2024

<b>Case #:</b>	6608
<b>Location:</b>	1719 Dauphin Street
<b>Applicant/Agent:</b>	Scott Moore
<b>Council District:</b>	District 2
<b>Proposal:</b>	Access and Maneuvering, Surfacing, and Frontage Tree Variances to allow a gravel surfaced access aisle, a sub-standard access aisle for two-way traffic, and no frontage tree plantings for a commercial development in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) requires access aisles to be paved with concrete, asphaltic concrete, asphalt, or concrete pavers, 24-foot wide access aisles for two-way traffic, and compliant frontage tree plantings or a commercial development in an R-1, Single-Family Residential Urban District.

Motion TO HOLDOVER by Adam Metcalfe; second by Lewis Golden. **Heldover.** **Jeremy Milling recused.**

At the request of the applicant, the application was heldover to the September 9, 2024 meeting to allow time for the applicant to go before the Architectural Review Board and reach out to citizens who expressed concerns.

## OTHER BUSINESS

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- Updates on appeal cases
- Approval of February 5, 2024 and March 4, 2024 minutes