



MOBILE BOARD OF ZONING ADJUSTMENT **RESULTS** AGENDA

FEBRUARY 5, 2024 – 1:00 P.M.

ADMINISTRATIVE

ROLL CALL

X	MR. WILLIAM L. GUESS, CHAIRMAN
X	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.
X	MR. TAYLOR ATCHISON, SUPERNUMERARY
	SUPERNUMERARY

STAFF: DOUG ANDERSON, MARGARET PAPPAS, MARIE YORK, BERT HOFFMAN, VICTORIA BURCH, GRACE TOLEDO, JONATHAN ELLZEY

****TAYLOR ATCHISON LEFT AFTER ROLL CALL, AS ALL REGULAR MEMBERS WERE PRESENT****

ADOPTION OF THE AGENDA

MOTION TO ADOPT THE AGENDA BY JEREMY MILLING. SECOND BY GREGORY MORRIS. ADOPTED.

HOLDOVERS

1. BOA-002671-2023

CASE #: 6551
LOCATION: 3250 GRAHAM ROAD NORTH
APPLICANT / AGENT: TANYA GARMON
COUNCIL DISTRICT: DISTRICT 7
PROPOSAL: USE, SIDE STREET SIDE YARD SETBACK, AND PARKING VARIANCES TO ALLOW A BARBERSHOP TO OPERATE OUT OF AN ACCESSORY STRUCTURE IN THE REQUIRED FRONT SETBACK AND NO PARKING IN A R-1, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT; THE UNIFIED

DEVELOPMENT CODE (UDC) DOES NOT ALLOW A BARBERSHOP TO OPERATE OUT OF AN ACCESSORY STRUCTURE, REQUIRES ALL STRUCTURES TO BE LOCATED OUTSIDE OF REQUIRED SETBACKS, AND REQUIRES COMPLIANT PARKING TO BE PROVIDED ON-SITE IN A R-1, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT.

MOTION TO APPROVE BY SANFORD DAVIS; SECOND BY GREGORY MORRIS. **APPROVED**.
JEREMY MILLING OPPOSED.

AFTER DISCUSSION, THE BOARD DETERMINED THE FOLLOWING FINDINGS OF FACT TO APPROVE THE REQUEST:

- 1) THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST;
- 2) SPECIAL CONDITIONS EXIST SUCH THAT A LITERAL ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER **WILL** RESULT IN UNNECESSARY HARDSHIP; AND
- 3) 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 CONDITION:

- 1) OBTAIN ALL REQUIRED PERMITS FOR THE STRUCTURE.

PUBLIC HEARINGS

2. BOA-002773-2023

CASE #: 6563/6554/6413/6362
LOCATION: 1704 MCGILL AVENUE
APPLICANT/AGENT: SIRE INVESTMENTS LLC (MICHAEL DARRINGTON AGENT)
COUNCIL DISTRICT: DISTRICT 2
PROPOSAL: USE ACCESS AND PARKING SURFACE VARIANCES TO ALLOW A DUPLEX ON A LOT WITH SUB-STANDARD ACCESS AND AGGREGATE PARKING SURFACE FOR A DUPLEX IN AN R-1, SINGLE-FAMILY RESIDENTIAL URBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) LIMITS THE NUMBER OF DWELLING UNITS TO A MAXIMUM OF 1 PER LOT REQUIRES COMPLIANT ACCESS AND REQUIRES ASPHALT, CONCRETE, OR AN APPROVED ALTERNATIVE PAVING SURFACE FOR A DUPLEX IN AN R-1, SINGLE-FAMILY RESIDENTIAL URBAN DISTRICT.

MOTION TO APPROVE BY GREGORY MORRIS; SECOND BY CHRIS CARROLL. **APPROVED**.

AFTER DISCUSSION, THE BOARD DETERMINED THE FOLLOWING FINDINGS OF FACT TO APPROVE THE REQUEST:

- 1) THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST;
- 2) SPECIAL CONDITIONS EXIST SUCH THAT A LITERAL ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER **WILL** RESULT IN UNNECESSARY HARDSHIP; AND
- 3) 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) SUBMITTAL OF AN APPLICATION FOR REVIEW TO THE ARCHITECTURAL REVIEW BOARD (ARB).

3. BOA-002774-2023

CASE #: 6564
LOCATION: 2500 DAWES ROAD
APPLICANT/AGENT: MARIE VERMILLION (BENJAMIN BELL, AGENT)
COUNCIL DISTRICT: DISTRICT 6
PROPOSAL: SIGN VARIANCE TO ALLOW TWO (2) FREESTANDING SIGNS AND TWO (2) INFORMATIONAL SIGNS LARGER THAN 20 SQUARE FEET FOR AN EXISTING SINGLE TENANT COMMERCIAL DEVELOPMENT IN AN R-1, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) LIMITS EXISTING SINGLE TENANT COMMERCIAL DEVELOPMENTS TO A MAXIMUM OF ONE (1) FREESTANDING SIGN WITH INFORMATIONAL SIGNS NO LARGER THAN 20 SQUARE FEET IN AN R-1, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT.

MOTION TO APPROVE BY GREGORY MORRIS; SECOND BY SANFORD DAVIS. **APPROVED.**

AFTER DISCUSSION, THE BOARD DETERMINED THE FOLLOWING FINDINGS OF FACT TO APPROVE THE REQUEST:

- 1) THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST;
- 2) SPECIAL CONDITIONS EXIST SUCH THAT A LITERAL ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER **WILL** RESULT IN UNNECESSARY HARDSHIP; AND
- 3) 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 ALL NECESSARY SIGN PERMITS; AND
- 2) FULL COMPLIANCE WITH ALL MUNICIPAL CODES AND ORDINANCES.

4. BOA-002775-2023

CASE #: 6565

LOCATION: 164 ST. FRANCIS STREET AND 159 ST. MICHAEL STREET
APPLICANT/AGENT: JENNY OLVERA, SYNOVUS
COUNCIL DISTRICT: DISTRICT 2
PROPOSAL: FRONTAGE TYPE VARIANCE TO ALLOW A NEW FREESTANDING ATM STRUCTURE WITHOUT A COMPLIANT FRONTAGE TYPE IN A T-5.2 SUB-DISTRICT OF THE DOWNTOWN DEVELOPMENT DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) REQUIRES ALL NEW STRUCTURES TO HAVE A COMPLIANT FRONTAGE TYPE IN T-5.2 SUB-DISTRICT OF THE DOWNTOWN DEVELOPMENT DISTRICT.

MOTION TO DENY BY JEREMY MILLING; SECOND BY SANFORD DAVIS. **DENIED.**

AFTER DISCUSSION, THE BOARD DETERMINED THE FOLLOWING FINDINGS OF FACT TO DENY THE REQUEST:

- 1) THE VARIANCE **WILL** BE CONTRARY TO THE PUBLIC INTEREST;
- 2) SPECIAL CONDITIONS **DO NOT EXIST** SUCH THAT A LITERAL ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER **WILL NOT** RESULT IN UNNECESSARY HARDSHIP; AND
- 3) THE SPIRIT OF THE CHAPTER **SHALL NOT BE** OBSERVED AND SUBSTANTIAL JUSTICE **NOT DONE** TO THE APPLICANT AND THE SURROUNDING NEIGHBORHOOD BY GRANTING THE VARIANCE.

5. BOA-002776-2023

CASE #: 6566
LOCATION: 685 SCHILLINGER ROAD SOUTH
APPLICANT/AGENT: MARIE VERMILLION (BENJAMIN BELL, AGENT)
COUNCIL DISTRICT: DISTRICT 6
PROPOSAL: SIGN VARIANCE TO ALLOW INFORMATIONAL SIGNS LARGER THAN 20 SQUARE FEET IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) DOES NOT ALLOW INFORMATIONAL SIGNS LARGER THAN 20 SQUARE FEET IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT.

MOTION TO APPROVE BY JEREMY MILLING; SECOND BY GREGORY MORRIS. **APPROVED.**

AFTER DISCUSSION, THE BOARD DETERMINED THE FOLLOWING FINDINGS OF FACT TO APPROVE THE REQUEST:

- 1) THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST;
- 2) SPECIAL CONDITIONS **EXIST** SUCH THAT A LITERAL ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER **WILL** RESULT IN UNNECESSARY HARDSHIP; AND
- 3) 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 ALL NECESSARY SIGN AND ELECTRICAL PERMITS; AND
- 2) FULL COMPLIANCE WITH ALL MUNICIPAL CODES AND ORDINANCES.

6. BOA-002778-2023

CASE #: 6567
LOCATION: 812, 816, AND 824 WEST I-65 SERVICE RD S
APPLICANT/AGENT: EDUARDO ROBINSON DI HOTELS SUN LLC
COUNCIL DISTRICT: DISTRICT 5
PROPOSAL: HEIGHT VARIANCE, COMMUNITY BUSINESS SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) LIMITS STRUCTURES TO A MAXIMUM OF 45-FEET IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT.

MOTION TO APPROVE BY JEREMY MILLING; SECOND BY CHRIS CARROLL. **APPROVED.**

AFTER DISCUSSION, THE BOARD DETERMINED THE FOLLOWING FINDINGS OF FACT TO APPROVE THE REQUEST:

- 1) THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST;
- 2) SPECIAL CONDITIONS **EXIST** SUCH THAT A LITERAL ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER **WILL** RESULT IN UNNECESSARY HARDSHIP; AND
- 3) 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) REVISE THE SITE PLAN TO RELOCATE THE TRASH ENCLOSURE OUTSIDE OF ALL REQUIRED SETBACKS;
- 2) REVISE THE SITE PLAN TO CORRECT THE PARKING CALCULATIONS TO INCLUDE THE 5,500 SQUARE FEET OF MEETING ROOMS;
- 3) REVISE THE SITE PLAN TO DEPICT CURBING AND/OR BUMPER STOPS FOR ALL PARKING SPACES;
- 4) EITHER REVISE THE SITE PLAN TO STATE THE PROPOSED GATE WILL BE FOR PEDESTRIAN ACCESS ONLY, OR MAKE THE GATE A MINIMUM OF 24-FEET WIDE WITH ADEQUATE QUEUING SPACES;
- 5) PLACEMENT OF A NOTE ON THE SITE PLAN STATING THAT EACH BUSINESS (HOTEL AND RESTAURANT) IS LIMITED TO A TOTAL OF THREE (3) SIGNS WITH NO MORE THAN ONE (1) FREESTANDING SIGN; AND
- 6) EITHER COMPLETION OF A ONE (1) LOT SUBDIVISION, OR RECORDING OF AN EASEMENT IN PROBATE COURT TO ALLOWED SHARED PARKING BETWEEN THE LOTS PRIOR TO THE APPROVAL OF ANY BUILDING PERMITS FOR THE PROPOSED DEVELOPMENT.

7. BOA-SE-002780-2023

CASE #: 6568
LOCATION: 1248 MONTLIMAR DRIVE
APPLICANT/AGENT: HC20WS LLC & CDH INVESTMENTS LLC (EVAN GEERTS AGENT)
COUNCIL DISTRICT: DISTRICT 5
PROPOSAL: SPECIAL EXCEPTION TO ALLOW A BUILDING AND LANDSCAPE MATERIALS SUPPLIER TO OPERATE IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) REQUIRES A SPECIAL EXCEPTION TO ALLOW A BUILDING AND LANDSCAPE MATERIALS SUPPLIER TO OPERATE IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT.

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

AFTER DISCUSSION, THE BOARD DETERMINED THE FOLLOWING FINDINGS OF FACT TO APPROVE THE REQUEST:

- 1) THE PROPOSED USE **IS** IN HARMONY WITH THE GENERAL PURPOSE, GOALS, OBJECTIVES AND STANDARDS OF THIS CHAPTER, OR ANY OTHER PLAN, PROGRAM, MAP, OR ORDINANCE ADOPTED, OR UNDER CONSIDERATION PURSUANT TO OFFICIAL NOTICE, BY THE CITY.
- 2) THE PROPOSED USE AT THE PROPOSED LOCATION **SHALL NOT** RESULT IN A SUBSTANTIAL OR UNDUE ADVERSE EFFECT ON ADJACENT PROPERTY, THE CHARACTER OF THE NEIGHBORHOOD, TRAFFIC CONDITIONS, PARKING, PUBLIC IMPROVEMENTS, PUBLIC SITES OR RIGHTS-OF-WAY, OR OTHER MATTERS AFFECTING THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE EITHER AS THEY NOW EXIST OR AS THEY MAY IN THE FUTURE BE DEVELOPED AS A RESULT OF THE IMPLEMENTATION OF PROVISIONS AND POLICIES OF THIS CHAPTER, OR ANY OTHER PLAN, PROGRAM, MAP, OR ORDINANCE ADOPTED, OR UNDER CONSIDERATION PURSUANT TO OFFICIAL NOTICE, BY THE CITY OR OTHER GOVERNMENTAL AGENCY HAVING JURISDICTION TO GUIDE GROWTH AND DEVELOPMENT.
- 3) THE PROPOSED USE **WILL** BE ADEQUATELY SERVED BY, AND WILL NOT IMPOSE AN UNDUE BURDEN ON, ANY OF THE IMPROVEMENTS, FACILITIES, UTILITIES, AND SERVICES SPECIFIED IN THIS SUBSECTION.
- 4) THE PROPOSED USE **IS** CONSISTENT WITH ALL APPLICABLE REQUIREMENTS OF THIS CHAPTER INCLUDING: ANY APPLICABLE DEVELOPMENT STANDARDS IN ARTICLE 3, AND ANY APPLICABLE USE REGULATIONS IN ARTICLE 4.
- 5) THE PROPOSED USE **IS** COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WITHIN THE SAME ZONING DISTRICT IN WHICH IT IS LOCATED.
- 6) THE PROPOSED USE **WILL NOT** IMPEDE THE ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING PROPERTY FOR USES PERMITTED WITHIN THE ZONING DISTRICT.
- 7) THE PROPOSED USE **WILL** HAVE NO MORE ADVERSE EFFECTS ON HEALTH, SAFETY OR COMFORT OF PERSONS LIVING OR WORKING IN THE NEIGHBORHOOD, OR WILL BE NO MORE INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD THAN WOULD ANY OTHER USE GENERALLY PERMITTED IN THE SAME DISTRICT.
- 8) THE SITE **IS** DESIGNED TO PROVIDE INGRESS AND EGRESS THAT MINIMIZE TRAFFIC HAZARDS AND TRAFFIC CONGESTION ON THE PUBLIC ROADS.

- 9) THE SITE **IS** DESIGNED TO MINIMIZE THE IMPACT ON STORM WATER FACILITIES.
- 10) THE USE **WILL** BE ADEQUATELY SERVED BY WATER AND SANITARY SEWER SERVICES.
- 11) THE USE **IS NOT** NOXIOUS OR OFFENSIVE BY REASON OF EMISSIONS, VIBRATION, NOISE, ODOR, DUST, SMOKE OR GAS; AND
- 12) THE USE **WILL NOT** BE DETRIMENTAL OR ENDANGER THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE.

THE APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) COMPLIANCE WITH THE STACKING AND SCREENING REQUIREMENTS OF ARTICLE 3, SECTION 64-3-13.B. OF THE UDC; AND
- 2) REVISION OF THE SITE PLAN TO ILLUSTRATE A PROTECTION BUFFER WHERE THE SITE ABUTS R-3 ZONED PROPERTY, IN COMPLIANCE WITH THE SETBACK AND SCREENING REQUIREMENTS OF SECTION 64-3-8.A.2. OF THE UDC.

8. BOA-SE-002784-2023

CASE #: 6569/5896/4741/4717/4648/4063
LOCATION: 3280 DAUPHIN STREET
APPLICANT/AGENT: WHEELCARE LLC
COUNCIL DISTRICT: DISTRICT 1
PROPOSAL: SPECIAL EXCEPTION TO ALLOW GROUND PASSENGER TRANSPORTATION TO OPERATE IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) REQUIRES A SPECIAL EXCEPTION TO ALLOW GROUND PASSENGER TRANSPORTATION TO OPERATE IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT.

MOTION TO APPROVE BY LEWIS GOLDEN; SECOND BY GREGORY MORRIS. **APPROVED.**

AFTER DISCUSSION, THE BOARD DETERMINED THE FOLLOWING FINDINGS OF FACT TO APPROVE THE REQUEST:

- 1) THE PROPOSED USE **IS** IN HARMONY WITH THE GENERAL PURPOSE, GOALS, OBJECTIVES AND STANDARDS OF THIS CHAPTER, OR ANY OTHER PLAN, PROGRAM, MAP, OR ORDINANCE ADOPTED, OR UNDER CONSIDERATION PURSUANT TO OFFICIAL NOTICE, BY THE CITY.
- 2) THE PROPOSED USE AT THE PROPOSED LOCATION **SHALL NOT** RESULT IN A SUBSTANTIAL OR UNDUE ADVERSE EFFECT ON ADJACENT PROPERTY, THE CHARACTER OF THE NEIGHBORHOOD, TRAFFIC CONDITIONS, PARKING, PUBLIC IMPROVEMENTS, PUBLIC SITES OR RIGHTS-OF-WAY, OR OTHER MATTERS AFFECTING THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE EITHER AS THEY NOW EXIST OR AS THEY MAY IN THE FUTURE BE DEVELOPED AS A RESULT OF THE IMPLEMENTATION OF PROVISIONS AND POLICIES OF THIS CHAPTER, OR ANY OTHER PLAN, PROGRAM, MAP, OR ORDINANCE ADOPTED, OR UNDER CONSIDERATION PURSUANT TO OFFICIAL NOTICE, BY THE CITY OR OTHER GOVERNMENTAL AGENCY HAVING JURISDICTION TO GUIDE GROWTH AND DEVELOPMENT.

- 3) THE PROPOSED USE **WILL** BE ADEQUATELY SERVED BY, AND WILL NOT IMPOSE AN UNDUE BURDEN ON, ANY OF THE IMPROVEMENTS, FACILITIES, UTILITIES, AND SERVICES SPECIFIED IN THIS SUBSECTION.
- 4) THE PROPOSED USE **IS** CONSISTENT WITH ALL APPLICABLE REQUIREMENTS OF THIS CHAPTER, INCLUDING: ANY APPLICABLE DEVELOPMENT STANDARDS IN ARTICLE 3; AND ANY APPLICABLE USE REGULATIONS IN ARTICLE 4.
- 5) THE PROPOSED USE **IS** COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WITHIN THE SAME ZONING DISTRICT IN WHICH IT IS LOCATED.
- 6) THE PROPOSED USE **WILL NOT** IMPEDE THE ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING PROPERTY FOR USES PERMITTED WITHIN THE ZONING DISTRICT.
- 7) THE PROPOSED USE **WILL** HAVE NO MORE ADVERSE EFFECTS ON HEALTH, SAFETY OR COMFORT OF PERSONS LIVING OR WORKING IN THE NEIGHBORHOOD, OR WILL BE NO MORE INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD THAN WOULD ANY OTHER USE GENERALLY PERMITTED IN THE SAME DISTRICT.
- 8) THE SITE **IS** DESIGNED TO PROVIDE INGRESS AND EGRESS THAT MINIMIZE TRAFFIC HAZARDS AND TRAFFIC CONGESTION ON THE PUBLIC ROADS.
- 9) THE SITE **IS** DESIGNED TO MINIMIZE THE IMPACT ON STORM WATER FACILITIES.
- 10) THE USE **WILL** BE ADEQUATELY SERVED BY WATER AND SANITARY SEWER SERVICES.
- 11) THE USE **IS NOT** NOXIOUS OR OFFENSIVE BY REASON OF EMISSIONS, VIBRATION, NOISE, ODOR, DUST, SMOKE OR GAS; AND
- 12) THE USE **WILL NOT** BE DETRIMENTAL OR ENDANGER THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE.

THE APPROVAL IS SUBJECT TO THE FOLLOWING CONDITION:

- 1) FULL COMPLIANCE WITH ALL MUNICIPAL CODES AND ORDINANCES.

9. BOA-002788-2023

CASE #: 6570
LOCATION: 2815 GRANT STREET
APPLICANT/AGENT: MELISSA D. KELLAM
COUNCIL DISTRICT: DISTRICT 5
PROPOSAL: SITE COVERAGE AND SETBACK VARIANCES TO INCREASE THE MAXIMUM SITE COVERAGE AND ALLOW A NEW CARPORT TO ENCROACH INTO THE FRONT 25-FOOT FRONT SETBACK IN A R-1, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) LIMITS SITE COVERAGE TO A MAXIMUM OF 35% AND DOES NOT ALLOW STRUCTURES TO BE LOCATED IN THE FRONT 25-FOOT SETBACK IN A R-1, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT.

MOTION TO HOLDOVER BY ADAM METCALFE; SECOND BY LEWIS GOLDEN. **HELDOVER TO THE MARCH 4TH MEETING.**

AFTER DISCUSSION AND AT THE REQUEST OF THE APPLICANT, THE BOARD HELDOVER THE APPLICATION TO THE MARCH 4TH MEETING, WITH ANY REVISIONS DUE BY FEBRUARY 14TH.

10.BOA-SE-002798-2024

CASE #: 6571
LOCATION: 2316 LEROY STEVENS RD
APPLICANT/AGENT: CASEY PIPES AGENT
COUNCIL DISTRICT: DISTRICT 6
PROPOSAL: SPECIAL EXCEPTION APPROVAL TO ALLOW A LIFE CARE FACILITY IN A R-3, MULTI-FAMILY RESIDENTIAL SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) REQUIRES A SPECIAL EXCEPTION TO ALLOW A LIFE CARE FACILITY IN A R-3, MULTI-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 TO APPROVE THE REQUEST:

- 1) THE PROPOSED USE **IS** IN HARMONY WITH THE GENERAL PURPOSE, GOALS, OBJECTIVES AND STANDARDS OF THIS CHAPTER, OR ANY OTHER PLAN, PROGRAM, MAP, OR ORDINANCE ADOPTED, OR UNDER CONSIDERATION PURSUANT TO OFFICIAL NOTICE, BY THE CITY.
- 2) THE PROPOSED USE AT THE PROPOSED LOCATION **SHALL NOT** RESULT IN A SUBSTANTIAL OR UNDUE ADVERSE EFFECT ON ADJACENT PROPERTY, THE CHARACTER OF THE NEIGHBORHOOD, TRAFFIC CONDITIONS, PARKING, PUBLIC IMPROVEMENTS, PUBLIC SITES OR RIGHTS-OF-WAY, OR OTHER MATTERS AFFECTING THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE EITHER AS THEY NOW EXIST OR AS THEY MAY IN THE FUTURE BE DEVELOPED AS A RESULT OF THE IMPLEMENTATION OF PROVISIONS AND POLICIES OF THIS CHAPTER, OR ANY OTHER PLAN, PROGRAM, MAP, OR ORDINANCE ADOPTED, OR UNDER CONSIDERATION PURSUANT TO OFFICIAL NOTICE, BY THE CITY OR OTHER GOVERNMENTAL AGENCY HAVING JURISDICTION TO GUIDE GROWTH AND DEVELOPMENT.
- 3) THE PROPOSED USE **WILL** BE ADEQUATELY SERVED BY, AND WILL NOT IMPOSE AN UNDUE BURDEN ON, ANY OF THE IMPROVEMENTS, FACILITIES, UTILITIES, AND SERVICES SPECIFIED IN THIS SUBSECTION.
- 4) THE PROPOSED USE **IS** CONSISTENT WITH ALL APPLICABLE REQUIREMENTS OF THIS CHAPTER INCLUDING: ANY APPLICABLE DEVELOPMENT STANDARDS IN ARTICLE 3, AND ANY APPLICABLE USE REGULATIONS IN ARTICLE 4.
- 5) THE PROPOSED USE **IS** COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WITHIN THE SAME ZONING DISTRICT IN WHICH IT IS LOCATED.
- 6) THE PROPOSED USE **WILL NOT** IMPEDE THE ORDERLY DEVELOPMENT AND IMPROVEMENT OF SURROUNDING PROPERTY FOR USES PERMITTED WITHIN THE ZONING DISTRICT.

- 7) THE PROPOSED USE **WILL** HAVE NO MORE ADVERSE EFFECTS ON HEALTH, SAFETY OR COMFORT OF PERSONS LIVING OR WORKING IN THE NEIGHBORHOOD, OR WILL BE NO MORE INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD THAN WOULD ANY OTHER USE GENERALLY PERMITTED IN THE SAME DISTRICT.
- 8) THE SITE **IS** DESIGNED TO PROVIDE INGRESS AND EGRESS THAT MINIMIZE TRAFFIC HAZARDS AND TRAFFIC CONGESTION ON THE PUBLIC ROADS.
- 9) THE SITE **IS** DESIGNED TO MINIMIZE THE IMPACT ON STORM WATER FACILITIES.
- 10) THE USE **WILL** BE ADEQUATELY SERVED BY WATER AND SANITARY SEWER SERVICES.
- 11) THE USE **IS NOT** NOXIOUS OR OFFENSIVE BY REASON OF EMISSIONS, VIBRATION, NOISE, ODOR, DUST, SMOKE OR GAS; AND
- 12) THE USE **WILL NOT** BE DETRIMENTAL OR ENDANGER THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE.

THE APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) PROVISION OF A LANDSCAPE BUFFER TO INCLUDE CYPRESS TREES (SPECIFIC SPECIES AND LOCATION TO BE COORDINATED WITH STAFF AT TIME OF PERMITTING) ALONG THE NORTH AND SOUTH PROPERTY LINES ABUTTING PROPOSED STRUCTURES;
- 2) SITE LIGHTING TO BE CONFIGURED SO AS TO HAVE ZERO (0) LIGHT TRESPASS ONTO ADJACENT RESIDENTIAL LOTS;
- 3) COMPLY WITH CITY OF MOBILE STORMWATER ORDINANCES AND NOT IMPACT THE ADJACENT SUBDIVISION'S STORMWATER DISCHARGE;
- 4) COMPLY WITH TRAFFIC ENGINEERING REQUIREMENTS; AND
- 5) THE DEVELOPMENT IS LIMITED TO THE APPLICATION AS SUBMITTED, WITH MODIFICATIONS AS NEEDED TO FULLY COMPLY WITH ALL MUNICIPAL CODES AND ORDINANCES.

OTHER BUSINESS

ELECTION OF OFFICERS

CHAIRMAN.

SANFORD DAVIS MOTIONED TO NOMINATE **WILLIAM GUESS AS CHAIRMAN** OF THE BOARD OF ZONING ADJUSTMENT. SECOND BY JEREMY MILLING. **APPROVED.**

VICE-CHAIRMAN.

WILLIAM GUESS MOTIONED TO NOMINATE **SANFORD DAVIS AS VICE CHAIRMAN** OF THE BOARD OF ZONING ADJUSTMENT. SECOND BY ADAM METCALFE. **APPROVED.**