



Mobile Board of Zoning Adjustment Results Agenda

July 10, 2023 – 2:00 P.M.

ADMINISTRATIVE

Roll Call

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| 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. Arrived at the beginning of the hearing for application #3. |

Staff: Doug Anderson, Margaret Pappas, Marie York, Bert Hoffman, Victoria Burch, Grace Toledo

Motion TO ADOPT THE AGENDA by CC second by JM.

PUBLIC HEARINGS

1. BOA-002512-2023

Case #: 6521
Location: 1700 Navco Road
Applicant / Agent: Coburn Construction Company
Council District: District 4
Proposal: Sign Variance to allow a digital pricing sign within 300-feet of residentially zoned property for a commercial site in an I-1, Light Industry District; the Unified Development Code (UDC) does not allow digital pricing signs within 300-feet of residentially zoned property for a commercial site in an I-1, Light Industry District.

Motion TO APPROVE by Adam Metcalfe second by Lewis Golden. **Approved.**

After discussion, the Board made the following findings of fact for approval:

- 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.

2. BOA-002513-2023

Case #: 6522
Location: 1373 Navco Road
Applicant / Agent: Coburn Construction Company
Council District: District 3
Proposal: Sign Variance to allow a digital pricing sign within 300-feet of residentially zoned property for a commercial site in a B-2, Neighborhood Business Suburban District; the Unified Development Code (UDC) does not allow digital pricing signs within 300-feet of residentially zoned property for a commercial site in a B-2, Neighborhood Business Suburban District.

Motion TO APPROVE by Adam Metcalfe second by Chris Carroll. **Approved.**

After discussion, the Board made the following findings of fact for approval:

- 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.

3. BOA-SE-002516-2023

Case #: 6523/5560
Location: North side of Wimbledon Drive West, 450'± West of Drury Lane (adjacent to the pickleball courts)
Applicant / Agent: Sawgrass Consulting, LLC
Council District: District 5
Proposal: Special Exception Variance to allow a Class 2 telecommunications facility in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) requires a Special Exception Variance to allow Class 2 telecommunications facilities in an R-1, Single-Family Residential Suburban District.

Motion TO APPROVE by Jeremy Milling second by Adam Metcalfe. **Approved.**

After discussion, the Board made the following findings of fact for approval:

- 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.

4. BOA-SE-002517-2023

Case #: 6524/5560
Location: South side of Country Club Road, 375'± West of Hillwood Road (near the #5 tee box).
Applicant / Agent: Sawgrass Consulting, LLC
Council District: District 5
Proposal: Special Exception Variance to allow a Class 2 telecommunications facility in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) requires a Special Exception Variance to allow Class 2 telecommunications facilities in an R-1, Single-Family Residential Suburban District.

Motion TO HOLDOVER by Adam Metcalfe second by Greg Morris. **Heldover to August 7th.**

After discussion, and with the agreement of the applicant, the application was heldover to the August 7th meeting to allow the applicant to consider adjusting the location of the proposed tower and to submit revised plans to the staff by July 19, 2023.

5. BOA-002542-2023

Case #: 6525
Location: 3500 Halls Mill Road
Applicant / Agent: Byrd Surveying
Council District: District 4
Proposal: Front Yard Setback Variance to allow a six-foot (6') chain link screened fence setback 15-feet from the front property line in an I-1, Light Industry District; the Unified Development Code (UDC) requires a 25-foot front yard setback for fences higher than three-feet (3') which obstruct visibility in an I-1, Light Industry District.

Motion TO DENY by Adam Metcalfe second by Sanford Davis. **Denied.**

After discussion, the Board made the following findings of fact for denial:

- 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 result in unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice not done.

6. BOA-002545-2023

Case #: 6526/6488/3373/2960/2766/2733/2696/730
Location: 2 North Florida Street and 2504 Dauphin Street
Applicant/Agent: Bethel Engineering
Council District: District 1
Proposal: Use Variance to amend the site plan of a previously approved Use Variance to allow off-site parking in an R-1, Single-Family Residential Urban District, for a commercial site in a B-1, Buffer Business Urban District; the Unified Development Code (UDC) does not allow off-site parking in an R-1, Single-Family Residential Urban District, and requires all parking to be on-site for a commercial site in a B-1, Buffer Business Urban District.

Motion TO APPROVE by Lewis Golden second by Chris Carroll. **Approved.**
Jeremy Milling recused.

After discussion, the Board made the following findings of fact for approval:

- 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.

7. BOA-002546-2023

Case #: 6527/5983/4606
Location: 550 and 524 Western Drive
Applicant/Agent: Bethesda Christian Center
Council District: District 1
Proposal: Use Variance to allow a church in an I-1, Light Industry District; the Unified Development Code (UDC) does not allow a church in an I-1, Light Industry District.

Motion TO APPROVE by Adam Metcalfe second by Sanford Davis. **Approved.**

After discussion, the Board made the following findings of fact for approval:

- 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) Revision of the site plan to correct conflicting information about the size of the proposed addition on the site plan and in the parking data information;
- 2) Revision of the site plan to remove any parking spaces that are not to remain on the site;
- 3) Revision of the site plan to either remove the “new parking” labels at the back half of the site, or depiction of compliant parking and access/maneuvering areas in that portion of the site;
- 4) Depiction of parking spaces exceeding the minimum required as being paved with an alternative parking surface per Article 3, Section 64-3-12.A.5.(d)(3). of the UDC;
- 5) Provision of a photometric site plan compliant with Article 3, Section 64-3-9.C. of the UDC, at the time of permitting;
- 6) Illustration of the proposed structure to comply with the Building Design and Height standards set forth in Article 3, Section 64-3-6 of the UDC;
- 7) Revision of the site plan to either depict a complaint dumpster, or include a note stating that curbside pickup will be utilized; and
- 8) Full compliance with all municipal codes and ordinances.

8. BOA-002549-2023

Case #: 6528/6028
Location: 6350 Cottage Hill Road
Applicant/Agent: CPH, LLC
Council District: District 6
Proposal: Sign Variance to amend a previously approved Sign Variance to allow two (2) informational/directional wall signs exceeding 20 square feet each on a commercial site in a B-2, Neighborhood Business Suburban

District; the Unified Development Code (UDC) limits informational/directional signs to a maximum of 20 square feet each on a commercial site in a B-2, Neighborhood Business Suburban District.

Motion TO **APPROVE** the South sign, facing Cottage Hill Road, and **DENY** the East facing sign, by Chris Carroll second by Sanford Davis.

After discussion, the Board made the following findings of fact for approval of the South sign, facing Cottage Hill Road:

- 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.

After discussion, the Board made the following findings of fact for denial of the East facing sign:

- 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 result in unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed, and substantial justice not done.