



# Mobile Board of Zoning Adjustment **Results** Agenda

June 5, 2023 – 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.

Staff: Doug Anderson, Margaret Pappas, Marie York, Bert Hoffman, Victoria Burch, George Davis, Butch Ladner

## PUBLIC HEARINGS

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### 1. BOA-002443-2023

**Case #:** 6511  
**Location:** 4218 Bellevue Lane  
**Applicant / Agent:** Shawn Kleinpeter  
**Council District:** District 5  
**Proposal:** Front Yard Setback Variance to allow an eight-foot (8') high wall along the front property line and within the 25-foot front yard setback in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) requires a 25-foot front yard setback in an R-1, Single-Family Residential Suburban 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 variance approval is subject to the following conditions:

- 1) The proposed wall shall be no closer to the front property line than 15-feet;
- 2) The maximum height of the proposed wall shall not exceed seven-feet (7'), with an additional eight-inch (8") allowance for the columns; and
- 3) As the wall extends along the side property lines it is to be reduced in height from seven-feet (7') in the first one-third (1/3) of the site, to six-feet (6') in the second one-third (1/3) of the site, to four-feet (4') in the third, one-third (1/3) of the site.

## 2. BOA-002488-2023

**Case #:** 6517/6460/6076  
**Location:** 5340 Halls Mill Road and 4370 Rangeline Road  
**Applicant / Agent:** Sawgrass Consulting, LLC  
**Council District:** District 4  
**Proposal:** Frontage Landscaping Variance to allow reduced frontage landscaping for a commercial site in a B-3, Community Business Suburban District; the Zoning Ordinance requires full compliance with the frontage landscaping requirements for a commercial site in a B-3, Community Business Suburban 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.

## 3. BOA-SE-002504-2023

**Case #:** 6518  
**Location:** 100 North Franklin Street  
**Applicant / Agent:** DISH Wireless, LLC/Alexandra Vassar, Agent  
**Council District:** District 2  
**Proposal:** Special Exception Variance to allow Class 2 telecommunications facilities in a T-5.1 Sub-District of the Downtown Development District; the Unified Development Code (UDC) requires a Special Exception Variance to allow telecommunications facilities in a T-5.1 Sub-District of the Downtown Development District.

Motion TO APPROVE by Chris Carroll second by Greg Morris. **Approved.**

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

- 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. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the Applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness and commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this Chapter, and other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities and services being provided and guaranteed by the Applicant.
- 4) The proposed use is consistent with all applicable requirements of this Chapter,
- 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; and
- 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-002509-2023

**Case #:** 6519  
**Location:** 6300 McKenna Drive  
**Applicant / Agent:** Byrd Surveying  
**Council District:** District 6  
**Proposal:** Use Variance to allow a commercial catering service at an existing church school in an R-1, Single-Family Residential-Suburban District; the Unified Development Code (UDC) does not allow a commercial catering service in an R-1, Single-Family Residential-Suburban district.

Motion TO APPROVE by Adam Metcalfe second by Chris Carroll/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.

#### 5. BOA-002511-2023

**Case #:** 6520  
**Location:** 500 St. Louis Street  
**Applicant / Agent:** Chambless King Architects/Jared Fulton, Agent  
**Council District:** District 2  
**Proposal:** Front Yard Setback and Building Story Height Variance to allow a building addition more than ten-feet (10') from the front property line and an addition to an existing structure with a story height of ten-feet (10') in an SD-WH, Special District-Warehousing Sub-District of the Downtown Development District; the Unified Development Code (UDC) limits the front yard setback to a maximum of ten-feet (10') and requires non-residential uses to have a minimum story height of 14-feet in an SD-WH, Special District-Warehousing Sub-District of the Downtown Development District.

Motion TO APPROVE by Lewis Golden second by Greg Morris. **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.

## OTHER BUSINESS

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### 6. Adoption of the 2023-2024 meeting and deadline schedule

Motion TO ADOPT by Adam Metcalfe second by Greg Morris. **Adopted.**