



# Mobile Board of Zoning Adjustment Results Agenda

January 6, 2025 – 2:00 P.M.

## ADMINISTRATIVE

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### Roll Call

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

Staff: Doug Anderson, Stephen Guthrie, Marie York, Victoria Burch, Grace Toledo, Jonathan Ellzey

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

## HOLDOVERS

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### 1. [BOA-SE-003135-2024](#)

**Case #:** 6634  
**Location:** 2400 Dubose Street  
**Applicant/Agent:** Vertical Bridge REIT, LLC / Mary Palmer, Agent  
**Council District:** District 1  
**Proposal:** Special Exception approval to allow a telecommunications facility requiring a Class 4 permit in a B-3, Community Business Urban District; the Unified Development Code (UDC) requires a Special Exception to allow a telecommunications facility requiring a Class 4 permit in a B-3, Community Business Urban 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 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.
- B) 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.
- C) 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.
- D) 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.
- E) The proposed use **is** compatible with the character of the neighborhood within the same zoning district in which it is located.
- F) The proposed use **will not** impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- G) 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.
- H) The site **is** designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- I) The site **is** designed to minimize the impact on storm water facilities.
- J) The use **will** be adequately served by water and sanitary sewer services.
- K) The use **is not** noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- L) The use **will not** be detrimental or endanger the public health, safety or general welfare.

## 2. [BOA-003136-2024](#)

<b>Case #:</b>	6635
<b>Location:</b>	2400 Dubose Street
<b>Applicant/Agent:</b>	Vertical Bridge REIT, LLC / Mary Palmer, Agent
<b>Council District:</b>	District 1
<b>Proposal:</b>	Height, Setback, Landscaping, Design and Separation Buffer Variances to allow a 160-foot high telecommunications facility with reduced setbacks, no camouflage, no landscaping and reduced buffer separation in a B-3, Community Business Urban District; the Unified Development Code (UDC) limits structures to 45 feet tall, requires a property line setback equal to the tower height, requires telecommunications facilities to be camouflaged, provide compliant landscaping, and

compliant buffer separations in a B-3, Community Business Urban District.

Motion TO APPROVE by Jeremy Milling; 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 condition:

- 1) Maintain the existing vegetative buffer along the West property line.

## EXTENSIONS

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### 3. [BOA-002942-2024](#)

**Case #:** 6592/6106/5990/5149  
**Location:** 669 Azalea Road  
**Applicant/Agent:** The CORE Project, Inc. / Matthew McDonald, Agent  
**Council District:** District 5  
**Proposal:** Use Variance to allow a day care center (child and adult) with social assistance, welfare, and charitable services in a R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) does not allow a day care center (child and adult) with social assistance, welfare, and charitable services in a R-1, Single-Family Residential Suburban District.

Motion TO APPROVE by Jeremy Milling; second by Adam Metcalfe/Chris Carroll. **Approved.**

After discussion, the Board approved the six (6) month extension.

## PUBLIC HEARINGS

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### 4. [BOA-003142-2024](#)

<b>Case #:</b>	6641
<b>Location:</b>	16 Kirby Street
<b>Applicant/Agent:</b>	Meredith Wilson
<b>Council District:</b>	District 1
<b>Proposal:</b>	Setback Variance to allow construction of an open carport less than five-feet (5') from the side property line in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) requires all structures to be a minimum of five-feet (5') from the side property line in an R-1, Single-Family Residential Urban District.

Motion TO APPROVE by Adam Metcalfe; second by Chris Carroll. **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) Obtaining all necessary building permits; and
- 2) Full compliance with all municipal codes and ordinances.

### 5. [BOA-003161-2024](#)

<b>Case #:</b>	6642
<b>Location:</b>	560 Shady Oak Drive
<b>Applicant/Agent:</b>	Bryan Maisel Builders, LLC
<b>Council District:</b>	District 7
<b>Proposal:</b>	Rear Yard Setback Variance to allow an eight-foot (8') 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 three-feet (3') tall within a recorded rear yard setback in an R-1, Single Family Residential Suburban District.

Motion TO HOLDOVER by Jeremy Milling; second by Gregory Morris. **Heldover to February 3.**

After discussion, the Board heldover the application to the February 3, 2025 meeting to give the applicant the opportunity to attend the meeting.

## 6. [BOA-003164-2024](#)

**Case #:** 6643/6468  
**Location:** 4519 Cypress Business Park  
**Applicant/Agent:** Kimmy Care, LLC  
**Council District:** District 4  
**Proposal:** Use Variance to amend a previously approved Use Variance to allow operation of a daycare in a B-5, Office-Distribution District; the Unified Development Code (UDC) does not allow the operation of a daycare in a B-5, Office-Distribution District.

Motion TO APPROVE by Gregory Morris; second by Chris Carroll. **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 depict parking compliance at a ratio of two (2) parking spaces per teaching station or classroom, whichever is greater;
- 2) Full compliance with tree planting and landscape area requirements of the UDC;
- 3) Retention of the note on the site plan stating that curbside pickup will be used;
- 4) Submittal of a revised site plan to Planning & Zoning staff; and
- 5) Full compliance with all municipal codes and ordinances.

## 7. [BOA-003167-2024](#)

**Case #:** 6644/4647  
**Location:** 1 Spring Hill Court  
**Applicant/Agent:** City of Mobile  
**Council District:** District 7  
**Proposal:** Side Street Side Yard Setback Variance to amend a previously approved side yard setback variance to allow a new retaining wall/privacy fence and a new carport within a recorded 50-foot side street side yard setback in an R-1, Single Family Residential Suburban District; the Unified Development Code (UDC) does not allow structures exceeding three-feet (3') tall within a recorded side street side 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.

## 8. **BOA-003168-2024**

**Case #:** 6645/6538/5486  
**Location:** 660 Dunlap Drive  
**Applicant/ Agent:** Austal USA (Joey Nunnally, Agent)  
**Council District:** District 2  
**Proposal:** Building Height Variance to allow a building higher than 100-feet in an I-2, Heavy Industry District; the Unified Development Code (UDC) does not allow buildings higher than 100-feet in an I-2, Heavy Industry 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.

## **OTHER BUSINESS**

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- Election of officers – Due to the absence of Board members, William Guess requested the election of officers be moved to February.