**MOBILE BOARD OF ZONING ADJUSTMENT**

**RESULTS AGENDA**

MARCH 4, 2024 – 2:00 P.M.

**ADMINISTRATIVE**

**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 ARRIVED DURING PUBLIC HEARING FOR APPLICATION #8 |
| X | MR. CHRIS CARROLL |
| X | MR. GREGORY MORRIS, SR. |
| X | MR. TAYLOR ATCHISON, SUPERNUMERARY |
|  | SUPERNUMERARY |

ORDER OF HEARING: 1 – 5, 7-10, THEN 6

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

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

**HOLDOVERS**

1. **BOA-002788-2023**

**CASE #:** 6570

**LOCATION:** 2815 GRANT STREET

**APPLICANT/AGENT:** MELISSA D. KELLAM

**COUNCIL DISTRICT:** DISTRICT5

**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 DENY BY LEWIS GOLDEN; NO SECOND.

MOTION TO APPROVE BY ADAM METCALFE; SECOND BY TAYLOR ATCHISON. APPROVED. LEWIS GOLDEN OPPOSED.

AFTER DISCUSSION, THE BOARD DETERMINED 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. BRING THE FENCE INTO COMPLIANCE;
2. OBTAINING OF ALL NECESSARY AFTER-THE-FACT BUILDING PERMITS; AND

3) FULL COMPLIANCE WITH ALL MUNICIPAL CODES AND ORDINANCES.

**EXTENSIONS**

1. **BOA-002541-2023**

**CASE #:** 6529/6394

**LOCATION:** 133 EATON SQUARE

**APPLICANT / AGENT:** RICHARD AND MELLIE NOBLET

**COUNCIL DISTRICT:** DISTRICT 5

**PROPOSAL:** SIDE STREET SIDE YARD SETBACK VARIANCE TO ALLOW THE CONSTRUCTION OF A GARAGE LESS THAN TEN FEET (10’) FROM A SIDE STREET SIDE YARD PROPERTY LINE IN AN R-3, MULTI-FAMILY RESIDENTIAL SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) REQUIRES A 25-FOOT SIDE STREET SIDE YARD SETBACK IN AN R-3, MULTI-FAMILY RESIDENTIAL SUBURBAN DISTRICT.

MOTION TO APPROVE BY ADAM METCALFE; SECOND BY CHRIS CARROLL/TAYLOR ATCHISON. APPROVED.

AFTER DISCUSSION, THE BOARD APPROVED THE SIX (6) MONTH EXTENSION.

1. [**BOA-SE-002598-2023**](https://mobileal-energovpub.tylerhost.net/apps/selfservice#/plan/4a2afcf4-179d-45eb-bb41-98b9a0209098?tab=attachments)

**CASE #:** 6537/6205

**LOCATION:** 2600 BURDEN LANE

**APPLICANT / AGENT:** MCDOWELL KNIGHT (STEPHEN HARVEY, AGENT)

**COUNCIL DISTRICT:** DISTRICT1

**PROPOSAL:** SPECIAL EXCEPTION TO ALLOWRAILROAD FACILITIESIN AN I-1, LIGHT INDUSTRY DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) REQUIRES A SPECIAL EXCEPTION TO ALLOW RAILROAD FACILITIES IN AN I-1, LIGHT INDUSTRY DISTRICT.

MOTION TO APPROVE BY CHRIS CARROLL; SECOND BY GREG MORRIS. APPROVED.

AFTER DISCUSSION, THE BOARD APPROVED THE SIX (6) MONTH EXTENSION.

**PUBLIC HEARINGS**

1. **BOA-002801-2024**

**CASE #:** 6572

**LOCATION:** 1757 EAST I-65 SERVICE ROAD SOUTH

**APPLICANT / AGENT:** ORIN ROBINSON, VICTOR SIGN CO., AGENT

**COUNCIL DISTRICT:** DISTRICT 4

**PROPOSAL:** SIGN VARIANCE TO ALLOW THREE (3) WALL SIGNS AND ONE (1) FREESTANDING SIGN FOR A SINGLE BUSINESS SITE IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) LIMITS SINGLE BUSINESS SITE IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT TO A TOTAL OF THREE (3) SIGNS.

MOTION TO APPROVE BY TAYLOR ATCHISON; SECOND BY CHRIS CARROLL. APPROVED.

AFTER DISCUSSION, THE BOARD DETERMINED THE FOLLOWING FINDINGS OF FACT FOR APPROVAL FOR THE REQUESTED SIGN FACING GOVERNMENT STREET:

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 WILLRESULT IN UNNECESSARY HARDSHIP; AND
3. THE SPIRIT OF THE CHAPTER SHALL BEOBSERVED AND SUBSTANTIAL JUSTICE DONE TO THE APPLICANT AND THE SURROUNDING NEIGHBORHOOD BY GRANTING THE VARIANCE.
4. **BOA-002824-2024**

**CASE #:** 6573

**LOCATION:** 3314 HARBOR VIEW COURT

**APPLICANT / AGENT:** WILLIAM B. YOUNGBLOOD

**COUNCIL DISTRICT:** DISTRICT 3

**PROPOSAL:** USE VARIANCE TO ALLOW AN ACCESSORY STRUCTURE WITHOUT A PRIMARY STRUCTURE IN A R-1, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) DOES NOT ALLOW AN ACCESSORY STRUCTURE WITHOUT A PRIMARY STRUCTURE IN A R-1, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT.

MOTION TO APPROVE BY ADAM METCALFE; SECOND BY TAYLOR ATCHISON. APPROVED.

WILLIAM GUESS OPPOSED.

AFTER DISCUSSION, THE BOARD DETERMINED 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.
4. **BOA-002833-2024**

**CASE #:** 6574

**LOCATION:** 361 ST LOUIS STREET

**APPLICANT / AGENT:** SOUTHBOUND MOBILE, LLC

**COUNCIL DISTRICT:** DISTRICT 2

**PROPOSAL:** USE VARIANCE TO ALLOW AUTOMOTIVE SERVICES - HEAVY (TRUCK RENTALS) IN A T-5.1 SUB-DISTRICT OF THE DOWNTOWN DEVELOPMENT DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) DOES NOT ALLOW AUTOMOTIVE SERVICES - HEAVY (TRUCK RENTALS) IN A T-5.1 SUB-DISTRICT OF THE DOWNTOWN DEVELOPMENT DISTRICT

MOTION TO DENY BY ADAM METCALFE; SECOND BY GREG MORRIS. DENIED.

LEWIS GOLDEN RECUSED.

AFTER DISCUSSION, THE BOARD DETERMINED 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 TO THE APPLICANT AND THE SURROUNDING NEIGHBORHOOD BY GRANTING THE VARIANCE.
4. **BOA-002836-2024**

**CASE #:** 6575

**LOCATION:** 5327 HALLS MILL ROAD

**APPLICANT / AGENT:** WRICO SIGNS, INC.

**COUNCIL DISTRICT:** DISTRICT 4

**PROPOSAL:** SIGN VARIANCE TO ALLOW FOUR (4) WALL SIGNS AND ONE (1) FREESTANDING SIGN FOR A SINGLE BUSINESS SITE IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) LIMITS SINGLE BUSINESS SITE IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT TO A TOTAL OF THREE (3) SIGNS.

MOTION TO APPROVE/DENY BY ADAM METCALFE; SECOND BY WILLIAM GUESS. PARTIALLY APPROVED.

AFTER DISCUSSION, THE BOARD DETERMINED THE FOLLOWING FINDINGS OF FACT FOR APPROVAL OF THE SOUTH FACING SIGN:

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 DETERMINED 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 TO THE APPLICANT AND THE SURROUNDING NEIGHBORHOOD BY GRANTING THE VARIANCE.
4. **BOA-002837-2024**

**CASE #:** 6576/6508/6209

**LOCATION:** 5440 U.S. HIGHWAY 90 WEST

**APPLICANT / AGENT:** WRICO SIGNS, INC.

**COUNCIL DISTRICT:** DISTRICT 4

**PROPOSAL:** SIGN VARIANCE TO AMEND A PREVIOUSLY APPROVED SIGN VARIANCE TO ALLOW TWO (2) WALL SIGNS FOR A TENANT ON A MULTI-TENANT COMMERCIAL SITE IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) ALLOWS ONE (1) WALL SIGN FOR A TENANT ON A MULTI-TENANT COMMERCIAL SITE IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT.

MOTION TO APPROVE BY ADAM METCALFE; SECOND BY GREG MORRIS. APPROVED.

AFTER DISCUSSION, THE BOARD DETERMINED 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 WILLRESULT IN UNNECESSARY HARDSHIP; AND
3. THE SPIRIT OF THE CHAPTER SHALL BEOBSERVED 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 OF THE NECESSARY SIGN PERMIT;
2. OBTAINING OF AN ELECTRICAL PERMIT; AND
3. FULL COMPLIANCE WITH ALL OTHER MUNICIPAL CODES AND ORDINANCES.

JEREMY MILLING ARRIVED DURING THE DISCUSSION FOR #8.

1. **BOA-002838-2024**

**CASE #:** 6577

**LOCATION:** 2200 WEST I-65 SERVICE ROAD SOUTH

**APPLICANT / AGENT:** 633 DEVELOPMENT, LLC

**COUNCIL DISTRICT:** DISTRICT 4

**PROPOSAL:** HEIGHT, DENSITY, AND FRONT LANDSCAPE AREA VARIANCES TO ALLOW APARTMENT BUILDINGS TALLER THAN 45-FEET, A DENSITY GREATER THAN 25 UNITS PER ACRE, AND REDUCED FRONT LANDSCAPE AREA IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT; THE UNIFIED DEVELOPMENT CODE (UDC) LIMITS STRUCTURES TO A MAXIMUM HEIGHT OF 45-FEET, A MAXIMUM DENSITY OF 25 UNITS PER ACRE, AND FULL COMPLIANCE WITH FRONT LANDSCAPE AREA REQUIREMENTS IN A B-3, COMMUNITY BUSINESS SUBURBAN DISTRICT.

MOTION TO APPROVE BY ADAM METCALFE; SECOND BY LEWIS GOLDEN. APPROVED.

AFTER DISCUSSION, THE BOARD DETERMINED 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 CONDITION:

1. FULL COMPLIANCE WITH ALL MUNICIPAL CODES AND ORDINANCES.
2. **BOA-SE-002839-2024**

**CASE #:** 6578

**LOCATION:** 2499 ESLAVA CREEK PARKWAY

**APPLICANT / AGENT:** MBC PROPERTIES, LLC (EVAN GEERTS, AGENT)

**COUNCIL DISTRICT:** DISTRICT 5

**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 TAYLOR ATCHISON; SECOND BY ADAM METCALFE. APPROVED.

AFTER DISCUSSION, THE BOARD DETERMINED 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.

THE APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. REMOVAL OF THE SHARED ACCESS BETWEEN THE SUBJECT SITE AND THE SITE IMMEDIATELY TO THE WEST;
2. THE SITE SHALL HAVE NO MORE THAN 15 VEHICLES PARKED AT ANY GIVEN TIME;
3. VEHICLES TO BE KEPT AT THE RESIDENCE OF A DRIVER SHOULD COMPLY WITH SECTION 64-3-12-A.1.(A). OF THE UNIFIED DEVELOPMENT CODE (UDC);
4. ANY VEHICLE REPAIRS AND SERVICE MUST BE COMPLIANT WITH B-3 ZONING INCLUDING THE OBTAINING OF ALL REQUIRED PERMITS; AND
5. FULL COMPLIANCE WITH ALL MUNICIPAL CODES AND ORDINANCES.