



# Mobile Board of Zoning Adjustment Results Agenda

May 6, 2024 – 2:00 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
	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, Shayla Beaco, Victoria Burch, Grace Toledo, Jonathan Ellzey

Motion TO ADOPT THE AGENDA by Adam Metcalfe second by Taylor Atchison.

## EXTENSIONS

---

### 1. BOA-002682-2023

**Case #:** 6555  
**Location:** Northwest corner of Ross Street and Bernice Hudson Drive  
**Applicant / Agent:** Kari Givens, Byrd Surveying  
**Council District:** District 1  
**Proposal:** Use Variance to allow a duplex in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) does not allow a duplex in an R-1, Single-Family Residential Urban District.

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

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

## 2. BOA-002684-2023

**Case #:** 6557  
**Location:** 1410 Government Street  
**Applicant / Agent:** Murphy D. Bishop II  
**Council District:** District 2  
**Proposal:** Use Variance to allow a social club in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) does not allow a social club in an R-1, Single-Family Residential Urban District.

Motion TO APPROVE by Taylor Atchison; second by Adam Metcalfe. **Approved.**

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

## PUBLIC HEARINGS

---

### 3. BOA-002895-2024

**Case #:** 6583/6527/5983/4606  
**Location:** 550 and 524 Western Drive  
**Applicant/Agent:** Bethesda Christian Center  
**Council District:** District 1  
**Proposal:** Use, Front Landscape Area, Frontage Tree, Parking Layout, Bicycle Parking, and Building Wall Variation Variances to amend a previous variance to allow a church with reduced front landscape area, frontage tree plantings within 15-feet of overhead powerlines, parking lot trees planted more than 75-feet apart, no bicycle parking, and no building wall variations in an I-1, Light Industry District; the Unified Development Code (UDC) does not allow a church in an I-1, Light Industry District, requires full compliance with front landscape area requirements, no frontage trees within 15-feet of overhead powerlines, parking trees to be spaced no more than 75-feet apart on center, compliant bicycle parking, and compliant wall variations.

Motion TO APPROVE by Adam Metcalfe; second by Lewis Golden. **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. Provision of a photometric site plan compliant with Article 3, Section 64-3-9.C. of the UDC, at the time of permitting;
2. Revision of the site plan to either depict a complaint dumpster, or include a note stating that curbside pickup will be utilized; and
3. Full compliance with all other municipal codes and ordinances.

#### 4. **BOA-002896-2024**

**Case #:** 6584  
**Location:** 1073 Schillinger Road South  
**Applicant/Agent:** Byrd Surveying  
**Council District:** District 6  
**Proposal:** Pedestrian Connection Variance to waive the requirement for a pedestrian connection from the public sidewalk to the main building entrance in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires a pedestrian connection from the public sidewalk to the main building entrance in a B-3, Community Business Suburban 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 condition:

- 1) Full compliance with all other municipal codes and ordinances.

#### 5. **BOA-002898-2024**

**Case #:** 6585/6317/1387/1286/452/272/243  
**Location:** 1500 Government Street  
**Applicant/Agent:** Sage Health / Sign Medics, Agent  
**Council District:** District 2  
**Proposal:** Sign Variance to allow more than 64 square feet of signage for a tenant in an LB-2, Limited Neighborhood Business Urban District along the Government Street Corridor; the Unified Development Code (UDC) does not allow more than 64 square feet of signage for a tenant in an LB-2,

Limited Neighborhood Business Urban District along the Government Street Corridor.

Motion TO APPROVE by Adam Metcalfe; second by Greg 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.

**6. BOA-002899-2024**

**Case #:** 6586  
**Location:** 1016 Belvedere Circle East  
**Applicant/Agent:** Tracy Pritchard  
**Council District:** District 3  
**Proposal:** Parking Variance to allow non-compliant parking for a home-based daycare in a R-1, Single-Family Suburban District; the Unified Development Code (UDC) requires compliant parking for a home-based daycare in a R-1, Single-Family Suburban District.

**WITHDRAWN**

As the Conditional Use Permit and the City Council approval requires the provision of compliant parking, the Board is without jurisdiction as it relates to this request.

**7. BOA-002900-2024**

**Case #:** 6587  
**Location:** 1408 Persimmon Street  
**Applicant/Agent:** Jermaine West / Shepherd Response, Agent  
**Council District:** District 2  
**Proposal:** Side Yard Setback Variance to allow reduced side yard setbacks for a dwelling in an R-1, Single-Family Urban District; the Unified Development Code (UDC) requires a dwelling to have a minimum of five-foot (5') side yard setbacks in a R-1, Single-Family Suburban District.

Motion TO APPROVE by Chris Carroll; second by Sanford Davis. **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.

**8. BOA-SE-002901-2024**

**Case #:** 6588/5326  
**Location:** 11 Government Street  
**Applicant/Agent:** Sara Benson  
**Council District:** District 2  
**Proposal:** Special Exception to allow a passenger depot in a B-4, General Business District; the Unified Development Code (UDC) requires a Special Exception to allow a passenger depot in a B-4, General Business District.

Motion TO APPROVE by Taylor Atchison; second by Sanford Davis. **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.