



Mobile Board of Zoning Adjustment Results Agenda

November 4, 2024 – 2:00 P.M.

ADMINISTRATIVE

Roll Call

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

Staff: Doug Anderson, Bert Hoffman, Marie York, Michelle French, Victoria Burch, Jonathan Ellzey

MOTION TO ADOPT THE AGENDA BY ADAM METCALFE; SECOND BY JEREMY MILLING.

PUBLIC HEARINGS

1. BOA-003102-2024

Case #: 6627
Location: 7377 Zeigler Circle South
Applicant/Agent: Mark Hammond, Agent
Council District: District 7
Proposal: Access Variance to allow a sub-standard driveway for two-way traffic in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires a 24-foot wide driveway for two-way traffic 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:

- 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. Submittal of a compliant photometric site plan at the time of permitting;
2. Placement of a note on the site plan stating that the gate will remain open during church events;
3. Revision of the site plan to depict a compliant residential buffer along the South property line;
4. Revision of the site plan to either depict a compliant dumpster on the site plan, or placement of a note stating that curbside pickup will be utilized;
5. Revision of the site plan to insure that all parking spaces, including accessible spaces, are 9-feet by 18-feet in size, in accordance with Table 64-3-12.2 in Article 3 of the UDC;
6. Obtain all necessary land disturbance and building permits; and
7. Full compliance with all municipal codes and ordinances.

2. BOA-SE-003103-2024

Case #: 6628/6568
Location: 1248 Montlimar Drive
Applicant/Agent: HC20WS, LLC & CDH Investments, LLC (Evan Geerts, Agent)
Council District: District 5
Proposal: Special Exception to allow a Building and Landscape Materials Supplier to operate in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires a Special Exception to allow a Building and Landscape Materials Supplier to operate in a B-3, Community Business Suburban District.

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

The approval is subject to the following conditions:

- 1. Compliance with the stacking and screening requirements of Article 3, Section 64-3-13.B. of the UDC; and
- 2. Revision of the site plan to illustrate a protection buffer where the site abuts R-3 zoned property, in compliance with the setback and screening requirements of Section 64-3-8.A.2. of the UDC.

3. BOA-003104-2024

Case #: 6629
Location: 2732 Josephine Street
Applicant/Agent: DSW Homes, LLC (Ashley Ward)
Council District: District 1
Proposal: Side Yard Setback Variance to allow a new dwelling within the required side yard setback in an R-1, Single Family Residential Urban District; the Unified Development Code (UDC) requires full compliance with the side yard setback requirements in an R-1, Single Family Residential Urban District.

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. Obtaining all necessary building permits;
- 2. Full compliance with all municipal codes and ordinances.

4. BOA-SE-003079-2024

Case #: 6630
Location: 4208 Aurelia Street
Applicant/Agent: Hien Tran
Council District: District 4
Proposal: Special Exception to allow a Day Care Center to operate in a B-1, Buffer Business Suburban District; the Unified Development Code (UDC) requires a Special Exception to allow a Day Care Center to operate in a B-1, Buffer Business Suburban District.

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

The approval is subject to the following conditions:

1. Revision of the site plan to correctly indicate the parking ratio as 1 parking space per 350 square feet;
2. Revision of the site plan to provide bumper stops or curbing for all parking spaces;
3. Revision of the site plan to provide a scale;
4. Revision of the site plan to correctly state that 15% of the total area is required to be landscaped;
5. Provision of compliant front landscape area;
6. Revision of the site plan to not depict any proposed tree plantings within 10-feet of sidewalks within the right-of-way;
7. Obtain all necessary land disturbance and building permits; and
8. Full compliance with all municipal codes and ordinances.

OTHER BUSINESS

- **Review of Minutes from the following Board of Adjustment meetings:**

January 9, 2023

February 6, 2023

December 4, 2023

June 3, 2024

July 8, 2024

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