



# Mobile Board of Zoning Adjustment Results Agenda

November 6, 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
X	Mr. Jeremy B. Milling
X	Mr. Chris Carroll
X	Mr. Gregory Morris, Sr.
X	Mr. Taylor Atchison, Supernumerary
	Supernumerary

Order of hearing: # 8, then 1 – 7, 9, 10

Staff: Victoria Burch, Jim Rossler, Margaret Pappas, Marie York, Grace Toledo, Jonathan Ellzey

Motion TO ADOPT THE AGENDA by Adam Metcalfe second by Gregory Morris.

## PUBLIC HEARINGS

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### 1. BOA-002670-2023

**Case #:** 6550  
**Location:** 6109 Howells Ferry Road  
**Applicant / Agent:** Claude & Melody Hall (Zeke Hudson, Rowe Surveying, Agent)  
**Council District:** District 7  
**Proposal:** Use Variance to allow a commercial daycare to operate in a R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) does not allow commercial daycares to operate in a R-1, Single-Family Residential Suburban District.

As Adam Metcalfe missed a portion of the public hearing, Taylor Atchison voted on this application.

Motion TO APPROVE by Gregory Morris; second by Sanford Davis. **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) Submission and approval of a Major Modification to the previously approved Planned Unit Development.

Adam Metcalfe left the meeting, Taylor Atchison voted on all remaining applications, except for #8.

## 2. BOA-002671-2023

**Case #:** 6551  
**Location:** 3250 Graham Road North  
**Applicant / Agent:** Tanya Garmon  
**Council District:** District 7  
**Proposal:** Use, Side Street Side Yard Setback, and Parking Variances to allow a barbershop to operate out of an accessory structure in the required front setback and no parking in a R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) does not allow a barbershop to operate out of an accessory structure, requires all structures to be located outside of required setbacks, and requires compliant parking to be provided on-site in a R-1, Single-Family Residential Suburban District.

Motion TO HOLDOVER by Sanford Davis; second by Gregory Morris. **Heldover to January 8<sup>th</sup>.**

After discussion, the Board Heldover the application to the January 8, 2024 meeting (with revisions due by December 5<sup>th</sup>) to allow the applicant to alter the application and plans to better achieve zoning compliance.

## 3. BOA-002672-2023

**Case #:** 6552/6461/6375  
**Location:** 5535 & 5575 U.S. Highway 90 West  
**Applicant / Agent:** QuikTrip (Erik Eckhart, Agent)  
**Council District:** District 4  
**Proposal:** Sign Variance to allow a total of eleven (11) signs, with one (1) being a 100-foot high rise sign on a single-tenant commercial site in a B-3, Community Business Suburban District; the Unified Development Code

(UDC) allows a single-tenant commercial site to have no more than three (3) signs, of which not more than one (1) may be freestanding, and not more than 35-feet tall in a B-3, Community Business Suburban District.

Motion TO APPROVE by Gregory Morris; second by Taylor Atchison. **Approved.**

After discussion, the Board determined the following findings of fact (for the modified application) 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) Total of six (6) permanent signs, with canopy signs not to extend above or below the canopy;
- 2) No logo on the scales signage or exit signs along Kooiman Road, with scales signage no more than 20 square feet
- 3) Two (2) temporary signs as submitted; and
- 4) One (1) high-rise sign, maximum of 100 feet in height.

#### 4. BOA-002676-2023

**Case #:** 6553  
**Location:** North side of St. Francis Street, 71'± East of North Claiborne Street  
**Applicant / Agent:** Nik Krueger (Steve Stone, Agent)  
**Council District:** District 2  
**Proposal:** Frontage Type, Access, Fence, and Site Variances to allow a non-compliant frontage type for a new structure with an increased front yard setback, allow a six-foot (6') fence, and to allow a curb cut along the primary street frontage for a lot with no secondary street frontage and less than 54-feet in width in a T-5.1 Sub-District of the Downtown Development District; the Unified Development Code (UDC) requires a compliant frontage type, a 12-foot maximum setback for structures, limits fences to 4-feet (4') tall, and does not allow a curb cut along the primary street frontage for a lot with no secondary street frontage and less than 54-feet in width in a T-5.1 Sub-District of the Downtown Development District.

Motion TO APPROVE by Taylor Atchison; second by Jeremy Milling. **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) Submittal of an application for review to the Consolidate Review Committee (CRC).

## 5. BOA-002679-2023

**Case #:** 6554/6413/6362  
**Location:** 1704 McGill Avenue  
**Applicant / Agent:** Sire Investments, LLC (Michael Darrington, Agent)  
**Council District:** District 2  
**Proposal:** Use, Parking Ratio, Access, Parking Surface, and Landscaping/Tree Planting Variances to allow four (4) dwelling units on a lot with a reduced parking ratio and sub-standard access with aggregate parking surface and reduced landscaping/tree plantings for an apartment complex in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) limits the number of dwelling units to a maximum of one (1) per lot, requires a compliant parking ratio with compliant access, requires asphalt, concrete, or an approved alternative paving surface, and requires full compliance with landscaping and tree planting requirements for an apartment complex in an R-1, Single-Family Residential Urban District.

Motion TO DENY by Sanford Davis; second by Jeremy Milling. **Denied.**

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 done to the applicant and the surrounding neighborhood by granting the variance.

## 6. 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 Sanford Davis. **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 conditions:

- 1) Completion of the Subdivision process.
- 2) Revision of the site plan to depict four (4) complaint parking spaces; and
- 3) Submittal of a revised site plan (.pdf and hard copy) prior to the issuance of permits.

## 7. BOA-002683-2023

**Case #:** 6556  
**Location:** 56 North Sage Avenue  
**Applicant / Agent:** Kayla Brown  
**Council District:** District 1  
**Proposal:** Use Variance to allow a pet daycare, grooming, and boarding facility in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) does not allow a pet daycare, grooming, and boarding facility in an R-1, Single-Family Residential Suburban District.

Motion TO DENY by Taylor Atchison; second by Jeremy Milling. **Denied.**

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 done to the applicant and the surrounding neighborhood by granting the variance.

## 8. 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 Adam Metcalfe; second by Sanford Davis. **Approved.**

Taylor Atchison did not vote.

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) Confirmation from the applicant that the facility and its services are available to members only;
- 2) Provision of compliant 24-foot wide access to the parking lot;
- 3) Provision of a compliant photometric site plan at the time of permitting;
- 4) Revision of the site plan to either include a compliant dumpster or include a note stating that curbside pickup will be utilized;
- 5) Revision of the site plan to depict a compliant residential buffer along the West property line;
- 6) Revision of the site plan to include landscape area and tree planting calculations for the site;
- 7) Obtain a Certificate of Appropriateness for all exterior improvements to the site, including signage, prior to permitting; and
- 8) Obtain all applicable permits to upgrade the property for non-residential use.

## 9. BOA-002686-2023

**Case #:** 6558  
**Location:** 605 Texas Place  
**Applicant / Agent:** Gulf Coast Tours, Edward Rowe, Agent  
**Council District:** District 2  
**Proposal:** Use Variance to allow a tour company to operate in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) does not allow tour companies to operate in an R-1, Single-Family Residential Suburban District.

Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

Motion TO APPROVE by Lewis Golden; second by Jeremy Milling. **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.

If approved, the following conditions should apply:

- 1) Provision of a revised, scaled site plan illustrating the dimensions of all proposed parking spaces, drive aisles and tour bus parking; and
- 2) No bus maintenance to occur on site.

### **10.BOA-002687-2023**

**Case #:** 6559/4777  
**Location:** 4671 Old Shell Road  
**Applicant / Agent:** Kari Givens, Byrd Surveying  
**Council District:** District 5  
**Proposal:** Side Yard Setback Variance to allow a structure within a side yard setback in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) requires at least a five (5)-foot side yard setback in an R-1, Single-Family Residential Suburban District.

Motion TO APPROVE by Lewis Golden; second by Taylor Atchison. **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.

If approved, the following conditions must apply:

- 1) Either vacate the drainage & utility easement or obtain approval of the easement holder; and
- 2) Obtain an after-the-fact building permit.