



Mobile Board of Zoning Adjustment Results Agenda

October 7, 2024 – 2:00 P.M.

ADMINISTRATIVE

Roll Call

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

Staff: Jim Rossler, Bert Hoffman, Stephen Guthrie, Marie York, Victoria Burch, Michelle French, Grace Toledo, Jonathan Ellzey

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

ORDER OF HEARING: 1 – 2, 4 – 5, 3

HOLDOVERS

1. [BOA-SE-003044-2024](#)

Case #: 6622/3995
Location: 5301 Moffett Road
Applicant/Agent: PMG, LLC / Cowles, Murphy, Glover, & Associates
Council District: District 7
Proposal: Special Exception to allow warehousing (over 40,000 square feet) in a B-3, Community Business Suburban District (rezoning pending); the Unified Development Code (UDC) requires a Special Exception to allow warehousing (over 40,000 square feet) in a B-3, Community Business Suburban District (rezoning pending).

Motion TO APPROVE by Taylor Atchison; 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. Revision of the site plan to illustrate a sidewalk along Moffett Road, or Planning Commission approval of a Sidewalk Waiver waiving the construction of a sidewalk at this location;
2. Revision of the site plan to illustrate a sidewalk along the site's entire frontage along Overlook Road;
3. Revision of the site plan to label the main building to which the proposed pedestrian walkway will connect;
4. Revision of the site plan to depict how compliance with the frontage tree planting requirements of Article 3, Section 64-3-7.A.2 of the UDC is impractical due to overhead power lines along each street frontage;
5. Revision of the site plan to illustrate compliance with the off-street parking, off-street loading, and vehicle maneuvering requirements of Section 64-3-12, along with the provision of a parking table to indicate the number of required parking spaces for each use of the site;

6. Revision of the site plan to illustrate compliance with the parking lot landscaping and tree planting requirements of Section 64-3-7.A.3.(2);
7. Retention of note on the site plan stating bicycle racks will be provided, revised to state bicycle parking will comply with the applicable provisions of Article 3, Section 64-3-12.A.9. of the UDC;
8. Revision of the site plan to illustrate full compliance with the protection buffer provisions of Article 3, Section 64-3-8.A.1.(a) of the UDC;
9. Retention of a note on the site plan stating a photometric lighting plan conforming to the applicable UDC requirements will be provided at the time of permitting;
10. Revision of the site plan to illustrate a dumpster pad with a note stating it shall meet the enclosure and placement standards of Article 3, Section 64-3-13.A.4. of the UDC, or provision a note on the site plan stating that curbside waste removal will be utilized;
11. Maintain compliance with the building form standards of Section 64-3-6 of Article 3 of the UDC and illustrate on the appropriate drawings submitted for review of the applicable building permits;
12. Compliance with all Engineering comments noted in this staff report;
13. Placement of a note on the Final Plat stating the Traffic Engineering comments noted in this staff report;
14. Compliance with all Urban Forestry comments noted in this staff report;
15. Compliance with all Fire Department comments noted in this staff report; and
16. Full compliance with all other applicable codes and ordinances.

EXTENSIONS

2. [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 Jeremy Milling. **Approved.**

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

3. [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

Auditorium, Mobile Government Plaza, 205 Government Street

For more information, please visit: BuildMobile.org/Board of Zoning Adjustment

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 Jeremy Milling; second by Adam Metcalfe. **Approved.**

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

PUBLIC HEARINGS

4. [BOA-003080-2024](#)

Case #: 6625
Location: 2103 Gibson Street
Applicant/Agent: Prime One Investments, LLC
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 duplexes in an R-1, Single-Family Residential Urban District.

Motion TO APPROVE by Gregory Morris; second by Taylor Atchison. **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) The applicant shall either alter the building to no longer cross the property line, or obtain subdivision approval to relocate the common property line to eliminate the encroachment;
- 2) Revision of the site plan to indicate a compliant driveway, subject to Traffic Engineering approval;
- 3) Revision of the site plan to provide compliant parking for at least three (3) vehicles;
- 4) Submittal of a revised site plan (.pdf and hard copy) prior to the issuance of permits; and
- 5) Full compliance with all municipal codes and ordinances.

5. [BOA-003083-2024](#)

Case #:	6626/5441
Location:	2712 Old Shell Road
Applicant/Agent:	Warrior Development, LLC
Council District:	District 1
Proposal:	Side Street Side Yard Setback Variance to allow a new building within the required side street side yard setback in a B-2, Neighborhood Business Urban District; the Unified Development Code (UDC) requires full compliance with the side street side yard setback requirements in a B-2, Neighborhood Business Urban District.

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

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

- 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

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

May 1, 2023
June 5, 2023
August 5, 2024

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