

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

October 5, 2020 - 2:00 P.M.

Meeting livestreamed.

I. CALL TO ORDER: Meeting called to order at 2:06 PM.

Chairman William Guess

II. ROLL CALL

x	William L. Guess, Chairman
x	Sanford Davis, Vice-Chairman
x	Vernon Coleman
x	Lewis Golden
x	Adam Metcalfe
x	Jeremy B. Milling
x	John Burroughs (<i>arrived during agenda item # 7</i>)

Staff. Doug Anderson, Margaret Pappas, Bert Hoffman, Shameika Lee, John Strope

III. ADOPTION OF THE AGENDA:

Motion to adopt the agenda by Vernon Coleman. Second by Sanford Davis. **Agenda adopted.**

IV. HOLDOVERS:

1. **#6346**
(Case #BOA-001363-2020)
Shaun Small
5651 Three Notch Road

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(South side of Three Notch Road, 440'± West of Old Pascagoula Road).

Off-Site Parking Variance to allow the use of temporary off-site parking in a B-3, Community Business District; the Zoning Ordinance requires all parking to be provided on-site in a B-3, Community Business District.

Council District 2

Motion to holdover by Jeremy Milling. Second by Vernon Coleman. **Heldover until November 2, 2020 meeting.**

After discussion, the Board Heldover the application to the November 2, 2020 meeting, with revisions due by October 12th to allow the applicant time to provide the following information:

- 1) **Provision of a revised site plan illustrating the location and compliance of all proposed temporary parking spaces on abutting properties; and**
- 2) **Provision of signed statements and verifiable ownership documents from abutting property owners permitting their property to be used for temporary parking associated with the subject property.**

V. EXTENSIONS:

2. **#6303/4795
(Case #BOA-001162-2019)**

**David Shumer
4875 Tufts Road**

(East side of Tufts Road, 300'± South of Furman Drive).

Use, Access, Multiple Buildings and Surfacing Variances to amend a previously-approved Use Variance to allow the expansion of a mechanical equipment manufacturing operation, with shared access across multiple properties with multiple buildings, and aggregate surfacing for maneuvering and parking, and a laydown area in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow a mechanical equipment manufacturing operation with shared access across multiple properties with multiple buildings, and requires all maneuvering and parking surfaces to be paved in asphalt, concrete or an approved alternative paving surface, and does not allow a laydown area in an R-1, Single-Family Residential District.

Council District 4

Motion to approve by Jeremy Milling. Second by Adam Metcalfe. **Extension approved.**

After discussion, the Board approved the request for a 6-month extension of approval.

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3. **#6307**
(Case #BOA-001178-2020)
Robert Maurin, RA
300 St. Louis Street

(Northwest corner of St. Louis Street and North Jackson Street).

Building Height and Frontage Type Variances to allow a building to exceed the maximum height allowance, with a non-compliant frontage type, in a T5.1 Sub-District of the Downtown Development District; the Downtown Development District limits maximum building height to three stories, and requires one of six frontage types in a T5.1 Sub-District.

Council District 2

Motion to approve by Adam Metcalfe. Second by Vernon Coleman. **Extension approved.**

After discussion, the Board approved the request for a 6-month extension of approval.

4. **#6313**
(Case #BOA-001206-2020)
St Louis 554, LLC

151 North Cedar Street and 554 St. Louis Street

(Northwest corner of North Cedar Street and St. Louis Street).

Use Variance to allow a freestanding parking lot in an SD-WH, Special District – Warehousing Sub-District of the Downtown Development District; the Zoning Ordinance prohibits parking as a primary use on the property in an SD-WH, Special District – Warehousing Sub-District of the Downtown Development District.

Council District 2

Motion to approve by Jeremy Milling. Second by Lewis Golden. **Extension approved.**

After discussion, the Board approved the request for a 6-month extension of approval.

- #6314**
(Case #BOA-001207-2020)
5. **Mariner Mobile I, LLC**

505, 507, & 515 St. Louis Street and 510 St. Michael Street

(Southeast corner of St. Louis Street, and North Cedar Street, extending to the Southwest corner of St. Louis Street and North Lawrence Street, and the Northeast

corner of North Cedar Street and St. Michael Street).

Transparency Variance to allow reduced transparency in an SD-WH, Special District – Warehousing Sub-District of the Downtown Development District; the Zoning Ordinance requires a minimum of 80% transparency along a primary frontage, and 30% transparency along a secondary frontage for Shopfront frontage types in an SD-WH, Special District – Warehousing Sub-District of the Downtown Development District.

Council District 2

Motion to approve by Jeremy Milling. Second by Lewis Golden. **Extension approved.**

After discussion, the Board approved the request for a 6-month extension of approval.

VI. PUBLIC HEARINGS:

6. #6348

(Case #BOA-001388-2020)

Merrill Pratt Thomas, Jr.

4458 Emperor Drive

(North side of Emperor Drive, 240'± West of Schwaemmle Drive).

Side Yard Setback Variance to allow a carport/storage structure less than 8' from a side property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires at least an 8' side yard setback for structures in an R-1, Single-Family Residential District.

Council District 5

Motion to approve by Adam Metcalfe. Second by Vernon Coleman. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval of the Side Yard Setback Variance request:

- 1) Approving the variance request will not be contrary to the public interest due to the fact that a similar variance has been approved within the vicinity of this site;
- 2) Special conditions appear to exist, primarily the restricted vehicle maneuvering area which would result if the required side yard setback were met, such that a literal enforcement of the provisions of the Chapter will result in unnecessary hardship; and
- 3) That the spirit of the Chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that it will allow a carport/storage structure harmonious with the existing dwelling.

The approval is subject to the following conditions:

- 1) the obtaining of the proper permit(s) for the construction of the structure;
- 2) the provision of gutters and downspouts along the West side of the structure; and
- 3) full compliance with all other municipal codes and ordinances.

7. #6349/4564
(Case #BOA-001393-2020)

Lynn M. Jackson
4170 Bay Front Road

(Southwest corner of Bay Front Road and Terrell Road).

Front Yard Setback Variance to allow a wooden privacy fence to exceed 3' in height within the 25' front yard setback in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow a wooden privacy fence to exceed 3' in height within a required front yard setback in a B-2, Neighborhood Business District.

Council District 3

Motion to deny by Adam Metcalfe. Second by Sanford Davis. **Denied.**

After discussion, the Board determined the following Findings of Fact for Denial of the Front Yard Setback Variance request:

- 1) The variance will 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 shall not be done to the applicant and the surrounding neighborhood by granting the variance.

8. #6350
(Case #BOA-001394-2020)

Sharon Pate
256 Oak Drive

(South side of Oak Drive, 125'± East of St. Stephens Road).

Use Variance to allow ten (10) children in a home-based child day care business in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow more than six (6) children in a home-based child day care business in an R-1, Single-Family Residential District.

Council District 2

Motion to holdover by Jeremy Milling. Second by Lewis Golden. **Heldover until November 2, 2020 meeting.**

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After discussion, the Board heldover application until the November 2, 2020 meeting, at the request of the applicant.

VII. OTHER BUSINESS:

Meeting adjourned at 3:17 PM.