



Mobile Board of Zoning Adjustment Results Agenda

December 2, 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
X	Mr. Chris Carroll
	Mr. Gregory Morris, Sr.
X	Mr. Taylor Atchison, Supernumerary
	Vacant
	Vacant, Supernumerary

Staff: Doug Anderson, Stephen Guthrie, Marie York, Bert Hoffman, Michelle French, Grace Toledo, Jonathan Ellzey

Order of Hearing: 10, 1 – 9, 11

EXTENSIONS

1. 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 Jeremy Milling. **Approved.**

The approval of the extension for 6-months is subject to the following conditions:

- 1) **All necessary business licenses and permits must be obtained before any operations can begin at this location;**
- 2) Confirmation from the applicant that the facility and its services are available to members only;

Auditorium, Mobile Government Plaza, 205 Government Street
 For more information, please visit: BuildMobile.org/Board of Zoning Adjustment

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

PUBLIC HEARINGS

2. BOA-003111-2024

Case #:	6630
Location:	306 and 308 Glenwood Street
Applicant/Agent:	Dixie Designs, LLC (Charles Elliot, Agent)
Council District:	District 5
Proposal:	Use Variance to allow a warehouse in a B-2, Neighborhood Business Urban District; the Unified Development Code (UDC) does not allow warehouses in a B-2, Neighborhood Business Urban District.

Motion TO APPROVE by Taylor Atchison; second by Lewis Golden. **Approved.**
William Guess opposed.

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, including site constraints on the associated adjacent B-3 use, 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) Completion of the subdivision process;
- 2) Revision of the site plan to depict compliance with the protection buffer requirements of Article 3, Section 64-3-8 of the UDC;
- 3) Revision of the site plan to depict the appropriate easement facilitating cross access between the subject site and the adjoining property, with a reference to the recorded legal instrument describing the easement; and
- 4) Full compliance with all other codes and ordinances.

3. [BOA-003127-2024](#)

Case #: 6631/563/375
Location: 1720 Spring Hill Avenue
Applicant/Agent: Infirmary Health System, Inc. (Victor Sign Company, LLC, Agent)
Council District: District 1
Proposal: Sign Variance to allow three (3) monument signs for a multi-tenant site with less than 1,201 linear feet of street frontage in a B-1, Buffer Business Urban District; the Unified Development Code (UDC) requires multi-tenant sites to have at least 1,201 linear feet of street frontage to be allowed three (3) monument signs in a B-1, Buffer Business Urban District.

Motion TO APPROVE by Adam Metcalfe; second by Jeremy Milling. **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.

4. [BOA-003131-2024](#)

Case #: 6632/4369
Location: 207 Rapier Avenue
Applicant/Agent: Christopher Davies
Council District: District 2
Proposal: Rear Yard Setback Variance to allow the placement of an accessory structure within the required rear yard setback in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) requires structures to be a minimum of 5-feet from the rear yard property line in an R-1, Single Family Residential Urban District.

Motion TO APPROVE by Lewis Golden; second by Adam Metcalfe. **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 / will not** 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) Obtain all required permits for the structure; and
- 2) Full compliance with all other municipal codes and ordinances.

5. [BOA-003132-2024](#)

Case #:	6633
Location:	5201 Girby Road
Applicant/Agent:	BTG, LLC (Robert Clay Buckley)
Council District:	District 4
Proposal:	Parking Ratio Variance to allow reduced parking (44 spaces) for a proposed multi-family development in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires 1.5 parking spaces per dwelling unit for a proposed multi-family development (42 dwelling units) in a B-3, Community Business Suburban District.

Motion TO APPROVE by Adam Metcalfe; second by Jeremy Milling. **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 codes and ordinances.

6. [BOA-SE-003135-2024](#)

Case #:	6634
Location:	2400 Dubose Street
Applicant/Agent:	Vertical Bridge REIT, LLC / Mary Palmer, Agent
Council District:	District 1
Proposal:	Special Exception approval to allow a telecommunications facility requiring a Class 4 permit in a B-3, Community Business Urban District; the Unified Development Code (UDC) requires a Special Exception to allow a telecommunications facility requiring a Class 4 permit in a B-3, Community Business Urban District.

Motion TO HOLDOVER by Adam Metcalfe; second by Jeremy Milling. **Heldover to January 6th**.

After discussion, the application was heldover to the January 6, 2025 meeting to allow the applicant additional time to provide staff necessary information required by Unified Development Code Article 4, Section 64-4-9.G.6.(d) about potential co-location sites.

7. [BOA-003136-2024](#)

Case #: 6635
Location: 2400 Dubose Street
Applicant/Agent: Vertical Bridge REIT, LLC / Mary Palmer, Agent
Council District: District 1
Proposal: Height, Setback, Landscaping, Design and Separation Buffer Variances to allow a 160-foot high telecommunications facility with reduced setbacks, no camouflage, no landscaping and reduced buffer separation in a B-3, Community Business Urban District; the Unified Development Code (UDC) limits structures to 45 feet tall, requires a property line setback equal to the tower height, requires telecommunications facilities to be camouflaged, provide compliant landscaping, and compliant buffer separations in a B-3, Community Business Urban District.

Motion TO HOLDOVER by Adam Metcalfe; second by Jeremy Milling. **Heldover to January 6th**.

After discussion, the application was heldover to the January 6, 2025 meeting to allow the applicant additional time to provide staff necessary information required by Unified Development Code Article 4, Section 64-4-9.G.6.(d) about potential co-location sites.

8. [BOA-003137-2024](#)

Case #: 6636/4525/3365/2146
Location: 4450 Old Shell Road
Applicant/Agent: Byrd Surveying (Kari Givens)
Council District: District 7
Proposal: Sidewalk Width, Vehicular Parking Access Width, and Street Tree Spacing Variances to allow sidewalks less than 12-foot wide, vehicular parking access exceeding 30-foot wide, and street trees spaced more than 30-feet apart in a Village Center Sub-District of the Spring Hill Overlay District; the Unified Development Code (UDC) requires 12-foot wide sidewalks, vehicular parking access not to exceed 30-feet in width, and street trees spaced no more than 30-feet apart in a Village Center Sub-District of the Spring Hill Overlay 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 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.

9. BOA-003138-2024

Case #: 6637/6494
Location: 100 Canal Street
Applicant/Agent: FD Stonewater (Michael Cartoski)
Council District: District 2
Proposal: Sign Variance to allow a 47.7± square foot wall plaque and a 53.2± square foot monument sign in a T-5.2 Sub-District of the Downtown Development District; the Unified Development Code (UDC) limits wall plaques to a maximum of 8 square feet and monument signs to a maximum of 20 square feet in a T-5.2 Sub-District of the Downtown Development District.

Motion TO APPROVE by Jeremy Milling; second by Adam Metcalfe. **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.

10. BOA-SE-003140-2024

Case #: 6638/644
Location: 3600 Old Shell Road
Applicant/Agent: Barton and Shumer (David Shumer)
Council District: District 7
Proposal: Special Exception approval to allow a self-service storage facility in a B-2, Neighborhood Business Suburban District; the Unified Development Code (UDC) requires a Special Exception to allow a self-service storage facility in a B-2, Neighborhood Business Suburban District.

Motion TO DENY by Adam Metcalfe; second by Taylor Atchison. **Denied.**

After discussion, the Board determined the following findings of fact for denial:

- A) The proposed use **is not** 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** 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 not** 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 not** 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 not** compatible with the character of the neighborhood within the same zoning district in which it is located.
- F) The proposed use **will** impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- G) The proposed use **will** have more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- H) The site **is not** designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- I) The site **is not** designed to minimize the impact on storm water facilities.
- J) The use **will not** be adequately served by water and sanitary sewer services.
- K) The use **is** noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- L) The use **will** be detrimental or endanger the public health, safety or general welfare.

11. BOA-003143-2024

Case #: 6640
Location: 7290 Howells Ferry Road
Applicant/Agent: Austin Wittner
Council District: District 7
Proposal: Use Variance to allow the construction of a pole barn/shop without a primary dwelling in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) requires a primary dwelling prior to the allowance of accessory structures in an R-1, Single Family Residential Suburban District.

Motion TO APPROVE by Jeremy Milling; second by Adam Metcalfe. **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 for one year is subject to the following conditions:

1. Revision of the site plan to show the proposed structure drawn to scale and dimensioned to scale off the property lines and approved by Planning and Zoning prior to the issuance of any permits for construction;
2. Completion of the Subdivision process;
3. Obtaining a building permit for a primary residence within one (1) year of the Board's approval; and
4. Full compliance with all municipal codes and ordinances.