



Mobile Board of Zoning Adjustment Results Agenda

February 3, 2025 – 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
X	Mr. Gregory Morris, Sr.
X	Mr. Taylor Atchison, Supernumerary
	Vacant
	Vacant, Supernumerary

Staff: Doug Anderson, Stephen Guthrie, Marie York, Bert Hoffman, Victoria Burch, Grace Toledo

MOTION TO ADOPT THE AGENDA BY CHRIS CARROLL; SECOND BY JEREMY MILLING.

HOLDOVERS

1. [BOA-003161-2024](#)

Case #: 6642
Location: 560 Shady Oak Drive
Applicant/Agent: Bryan Maisel Builders, LLC
Council District: District 7
Proposal: Rear Yard Setback Variance to allow an eight-foot (8') tall privacy fence within a recorded 25-foot rear yard setback in an R-1, Single Family Residential Suburban District; the Unified Development Code (UDC) does not allow privacy fences exceeding three-feet (3') tall within a recorded rear yard setback 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 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.

PUBLIC HEARINGS

2. [BOA-003175-2024](#)

Case #: 6647
Location: North side of Third Avenue, 250'± West of Owens Street
Applicant/Agent: The Comforter (Adric Bush, Agent)
Council District: District 1
Proposal: Use, Parking Access and Maneuvering, Tree Planting, and Residential Buffer Variances to allow an HVAC contractor with sub-standard parking access and maneuvering, no tree plantings, and a chain link fence as a residential buffer in an R-1, Single Family Residential Urban District; the Unified Development Code (UDC) does not allow an HVAC contractor with sub-standard parking access and maneuvering, no tree plantings, and a chain link fence as a residential buffer in an R-1, Single Family Residential Urban District.

Motion TO DENY by Jeremy Milling; second by Adam Metcalfe. **Denied.**

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

- A) The variance **will** be contrary to the public interest;
- B) Special conditions **do not 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 not be** observed and substantial justice **not done** to the applicant and the surrounding neighborhood by granting the variance.

3. [BOA-SE-003189-2025](#)

Case #: 6648
Location: 659 Conti Street
Applicant/Agent: Element 3 Engineering, LLC (Allen Williams, Agent)
Council District: District 2
Proposal: Special Exception approval to allow a music venue and bar with an occupant load of 240 people in a T-5.1 Sub-District of the Downtown Development District; the Unified Development Code (UDC) requires Special Exception approval to allow a music venue and bar with an occupant load over 100 people in a T-5.1 Sub-District of the Downtown Development District.

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

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.

4. [BOA-003190-2025](#)

Case #: 6649
Location: 5133 Cottage Hill Road
Applicant/Agent: Thomas Sign & Awning Co. (Alvin Ramos, Agent)
Council District: District 4
Proposal: Sign Variance to allow two (2) freestanding signs and nine (9) wall signs for a single tenant site in a B-2, Neighborhood Business Suburban District; the Unified Development Code (UDC) limits single tenant sites in a B-2, Neighborhood Business Suburban District to no more than one (1) freestanding sign and no more than two (2) wall signs.

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

After discussion, the Board determined the following findings of fact for approval of both proposed freestanding signs and three (3) wall signs of the applicant's choosing:

- 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.

5. [BOA-003191-2025](#)

Case #: 6650/6255/5796/5774/4459/4458/4453/523
Location: 1550 Government Street
Applicant/ Agent: Wrico Signs, Inc.
Council District: District 2
Proposal: Sign Variance to amend a previously approved sign variance to allow wall signage exceeding 64 square feet along the Government Street corridor in a B-2, Neighborhood Business Urban District; the Unified Development Code (UDC) does not allow signage exceeding 64 square feet along the Government Street corridor in a B-2, Neighborhood Business 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.

6. [BOA-003192-2025](#)

Case #: 6651/6307
Location: 300 St Louis Street
Applicant/Agent: Kleban Properties, LLC (Keri Coumanis, Agent)
Council District: District 2
Proposal: Building Height and Frontage Type Variances to allow a building to exceed the maximum height allowance, with a non-compliant frontage type, in a T-5.1 Sub-District of the Downtown Development District; the Unified Development Code (UDC) limits maximum building height to three stories, and requires one of six frontage types in a T-5.1 Sub-District.

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

OTHER BUSINESS

- **Election of Officers**

VICE-CHAIRMAN.

WILLIAM GUESS motioned to nominate **ADAM METCALFE AS VICE-CHAIRMAN** of the Board of Zoning Adjustment. Second by Lewis Golden/Jeremy Milling/Chris Carroll/Gregory Morris/Taylor Atchison. **APPROVED.**

CHAIRMAN.

ADAM METCALFE motioned to nominate **WILLIAM GUESS AS CHAIRMAN** of the Board of Zoning Adjustment. Second by Taylor Atchison/Jeremy Milling. **APPROVED.**