



Mobile Board of Zoning Adjustment Results Agenda

July 13, 2026 – 2:00 P.M.

ADMINISTRATIVE

Roll Call

	Mr. William L. Guess, Chairman
X	Mr. Adam Metcalfe, Vice Chairman
X	Mr. Lewis Golden
X	Mr. Jeremy B. Milling
X	Mr. William Petway
X	Mr. Gregory Morris, Sr.
X	Ms. Trithenia Ferrell
X	Mr. Taylor Atchison, Supernumerary
	Mr. Allen Williams, Supernumerary

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

HOLDOVER

1. BOA-003532-2025

Case #: 6722
Location: 122 Michael Donald Avenue
Applicant/Agent: KB Construction & Development, LLC
Council District: District 2
Proposal: Use, Access and Maneuvering, Parking, and Tree Planting & Landscape Area Variances to allow construction of a new four-plex with reduced access & maneuvering areas, reduced parking, and no tree plantings with reduced landscape area in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) only allows single-family dwellings, with compliant access & maneuvering areas, compliant parking, and compliant tree plantings and landscape area in an R-1, Single-Family Residential Urban District.

A Motion TO DENY was made by Lewis Golden; second by Jeremy Milling. **Denied.**

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

July 13, 2026

- A) The variance **will** 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 not** be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

2. BOA-003738-2026

Case #: 6761/6701
Location: 2449 & 2453 Eslava Creek Parkway
Applicant/Agent: SMART Local 441 (George R. Cowles, Agent)
Council District: District 2
Proposal: Front Yard Setback and Parking Variances to allow construction of a new structure less than 25-feet from the front property line and reduced parking in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires full compliance with setbacks and parking requirements in a B-3, Community Business Suburban District.

Motion TO APPROVE by Jeremy Milling; 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) Compliance with the applicable development provisions of Article 3 of the UDC;
- 2) Revision of the site plan to correctly reflect parking ratios;
- 3) Compliance with all Engineering Comments noted in this staff report;
- 4) Compliance with all Traffic Engineering comments noted in this staff report;
- 5) Compliance with all Urban Forestry comments noted in this staff report;
- 6) Compliance with all Fire Department comments noted in this staff report; and
- 7) Full compliance with all other municipal codes and ordinances.

PUBLIC HEARINGS

3. BOA-003742-2026

Case #: 6765/2497/2286
Location: 3026 Cottage Hill Road
Applicant/Agent: Atchison Real Estate & Development
Council District: District 1
Proposal: Use Variance to allow a coin-operated laundromat in an R-3, Multi-Family Residential Suburban District; the Unified Development Code (UDC) does not allow a coin-operated laundromat in an R-3, Multi-Family Residential Suburban District.

Motion TO APPROVE by Gergory Morris; second by Trithenia Ferrell. **Approved.**
Taylor Atchison recused.

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-SE-003766-2026

Case #: 6766/6622/3995
Location: 5301 Moffett Road
Applicant/Agent: Canopy Partners, LLC
Council District: District 7
Proposal: Special Exception to allow warehousing (over 40,000 square feet) in a B-3, Community Business Suburban District; 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.

Motion TO APPROVE by Taylor Atchison; second by Gergory Morris. **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 depict compliance with the tree planting requirements of Article 3, Section 64-3-7.A.2 of the UDC;
- 3) 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 of the UDC, along with the provision of a parking table to indicate the number of required parking spaces for each use of the site;
- 4) Revision of the site plan to illustrate compliance with the parking lot landscaping and landscape area requirements of Section 64-3-7.A.2 of the UDC;
- 5) 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;
- 6) Either 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 or approval of the associated Variance request;
- 7) Placement 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;
- 8) 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;
- 9) Submittal of building facades depicting compliance with the building form standards of Section 64-3-6 of Article 3 of the UDC at the time of permitting;

July 13, 2026

- 10) Compliance with all Engineering comments noted in this staff report;
- 11) Placement of a note on the Final Plat stating the Traffic Engineering comments noted in this staff report;
- 12) Compliance with all Urban Forestry comments noted in this staff report;
- 13) Compliance with all Fire Department comments noted in this staff report; and
- 14) Full compliance with all other applicable codes and ordinances.

5. BOA-003767-2026

Case #: 6767/6622/3995
Location: 5301 Moffett Road
Applicant/Agent: Canopy Partners, LLC
Council District: District 7
Proposal: Residential Buffer Variance to allow a chain link fence with vegetative buffer to serve as a residential buffer in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires a wooden privacy fence or wall with vegetative buffer to serve as a residential buffer in a B-3, Community Business Suburban District.

Motion TO APPROVE by Jeremy Milling; 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) Maintenance and replacement of existing six-foot (6') tall chain link fence with slats, including the replacement of slats as needed; and
- 2) Full compliance with municipal codes and ordinances.

OTHER BUSINESS
