



Mobile Board of Zoning Adjustment

RESULTS Agenda

July 8, 2024 – 2:00 P.M.

ADMINISTRATIVE

Roll Call

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

Staff: Emma Goodloe (legal counsel from Burr Forman), Bert Hoffman, Victoria Burch, Marie York, George Davis (Eng), Jonathan Ellzey (TE)

ORDER OF HEARING: 3, 1 – 2, 4-9

MOTION TO ADOPT THE AGENDA BY ADAM METCALFE; SECOND BY GREGORY MORRIS.

PUBLIC HEARINGS

1. BOA-002889-2024

Case #: 6594/6510
Location: 263 and 267 Dauphin Street
Applicant/Agent: Box Owt, LLC
Council District: District 2
Proposal: Bulk/Site Variance to allow metal siding as an exterior finish, a non-compliant frontage type with reduced transparency, and security gates in a T-5.2 sub-district of the Downtown Development District; the Unified Development Code (UDC) does not allow metal siding as an exterior finish, requires a Shop Front frontage type at this location, requires a minimum glazed display window area of 50% of the ground floor shop front area (transparency), does not allow security gates to be visible from the street, and does not allow fences in the

Shop Front frontage type in a T-5.2 sub-district of the Downtown Development District.

Motion TO APPROVE by Adam Metcalfe; second by Gregory Morris. **Approved.**

Voting in favor: Atchison, Carroll, Golden, Guess, Metcalfe and Morris. Voting in opposition: Milling.

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) Phase 2 facade to be built in accordance with the black and white drawings submitted with the application; and
- 2) Completion of Phase 2 and the obtaining Final Certificates of Occupancy within twelve (12) months (by July 8, 2025).

2. BOA-002983-2024

Case #: 6598/6510
Location: 263 and 267 Dauphin Street
Applicant/Agent: Box Owt, LLC
Council District: District 2
Proposal: Sign Variance to allow six (6) double-sided internally illuminated projecting signs each 24-inches in diameter in a T-5.2 sub-district of the Downtown Development District; the Unified Development Code (UDC) does not allow internally illuminated signs in a T-5.2 sub-district of the Downtown Development District.

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

Voting in favor: Carroll, Guess, Metcalfe, Milling and Morris. Voting in opposition: Atchison and Golden.

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) Obtain approval from the Architectural Review Board.

Note that Sign and Electrical permits will be required for each sign after completion of the Architectural Review Board process.

3. BOA-002947-2024

Case #: 6595/1199/1033
Location: 2915 Dauphin Island Parkway
Applicant/Agent: Shova Realty Investments, LLC
Council District: District 3
Proposal: Sign Variance to allow a digital pricing sign within 300-feet of residentially zoned property in a B-2, Neighborhood Business Suburban District; the Unified Development Code (UDC) does not allow digital pricing signs within 300-feet of residentially zoned property in a B-2, Neighborhood Business Suburban District.

Motion TO APPROVE by William Guess; second by Jeremy Milling. **Approved.**
Voting in favor: all members.

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 digital sign will not contain a scrolling message; and
- 2) Lighting levels will comply with Section 64-4-14.O.1.(f) and (g).

4. BOA-002953-2024

Case #: 6596/6543
Location: 5575 Commerce Boulevard East
Applicant/Agent: Vertical Bridge REIT, LLC / Mary Palmer, Agent
Council District: District 4
Proposal: Lot Size, Height, and Setback Variances to allow a 180-foot high telecommunications facility on a sub-standard lot, with a reduced setback in a B-5, Office Distribution District; the Unified Development Code (UDC) requires all lots to be a compliant minimum size, limits structure heights to 45-feet, and requires a property line setback equal to the tower height in a B-5, Office Distribution District.

Motion TO APPROVE by Gregory Morris; second by Taylor Atchison. **Approved.**
Voting in favor: all members.

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.

5. BOA-SE-002973-2024

Case #: 6602/6543
Location: 5575 Commerce Boulevard East
Applicant/Agent: Vertical Bridge REIT, LLC / Mary Palmer, Agent
Council District: District 4
Proposal: Special Exception approval to allow a telecommunications facility requiring a Class 4 permit in a B-5, Office Distribution District; the Unified Development Code (UDC) requires a Special Exception to allow a telecommunications facility requiring a Class 4 permit in a B-5, Office Distribution District.

Motion TO APPROVE by Adam Metcalfe; second by Gregory Morris. **Approved.**
Voting in favor: all members.

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.

6. BOA-SE-002976-2024

Case #:	6597/6518
Location:	100 North Franklin Street
Applicant/Agent:	DISH Wireless, LLC/Alexandra Vassar, Agent
Council District:	District 2
Proposal:	Special Exception approval to allow Class 2 telecommunications facilities in a T-5.1 Sub-District of the Downtown Development District; the Unified Development Code (UDC) requires a Special Exception approval to allow telecommunications facilities in a T-5.1 Sub-District of the Downtown Development District.

Motion TO APPROVE by Chris Carroll; second by Taylor Atchison. **Approved**.
 Voting in favor: all members.

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.

7. BOA-002981-2024

Case #:	6599
Location:	3949 Government Boulevard
Applicant/Agent:	Advantage Sign Company
Council District:	District 4
Proposal:	Sign Variance to allow a single business site in a B-3, Community Business Suburban District to have a total of three (3) wall signs and two (2) freestanding signs; the Unified Development Code (UDC) limits single business sites in a B-3, Community Business Suburban District to no more than a total of three (3) signs, with no more than one (1) freestanding sign.

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

Voting in favor: all members.

After discussion, the Board determined the following findings of fact for approval of two (2) logo wall signs and two (2) freestanding signs:

- 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 "Car Wash" wall sign was not approved.

8. BOA-002985-2024

Case #:	6600
Location:	1802 Old Government Street

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

Applicant/Agent: Bryan Olson
Council District: District 2
Proposal: Side Street Side Yard Setback Variance to allow a privacy fence and gate taller than three-feet (3') within the side street side yard ten-foot (10') setback in a B-1, Buffer Business Urban District; the Unified Development Code (UDC) does not allow a privacy fence and gate taller than three-feet (3') within the side street side yard ten-foot (10') setback in a B-1, Buffer Business Urban District.

Motion TO APPROVE by Adam Metcalfe; second by Taylor Atchison. **Approved.**
Voting in favor: all members.

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 obtaining of the required Certificate of Appropriateness from the Architectural Review Board; and
- 2) Obtaining of the required fence permit from the Central Permitting Department.

9. BOA-002937-2024

Case #: 6601/6068
Location: 6101 Grelot Road
Applicant/Agent: Wrico Signs
Council District: District 6
Proposal: Sign Variance to allow an off-premise sign for a church in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires all signage to be on-premise in a B-3, Community Business Suburban District.

Motion TO APPROVE by Adam Metcalfe; second by Taylor Atchison. **Approved.**
Voting in favor: all members.

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

- Approval of April 1 and May 6 minutes