

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

March 7, 2022

AUDITORIUM, GOVERNMENT PLAZA

I. CALL TO ORDER:

Chairman William Guess

II. ROLL CALL

X	William L. Guess, Chairman
X	Sanford Davis, Vice-Chairman
X	Lewis Golden
X	Adam Metcalfe
X	Jeremy B. Milling
X	William Carroll, III.
X	Gregory Morris, Sr.

Staff: Jim Rossler, Marie York, Bert Hoffman, Victoria Burch, George Davis

III. ADOPTION OF THE AGENDA:

Motion by Adam Metcalfe. Second by Greg Morris. **Adopted.**

IV. HOLDOVERS:

#6431/3924

(Case #BOA-001857-2021)

Frankie Smith

960 South Lawrence Street

(Northwest corner of South Lawrence Street and South Carolina Street).

Front Yard and Side Street Side Yard Setback Variances to allow a building addition within the required front and side street side yard setbacks in an I-1, Light Industry District; the Zoning Ordinance requires full compliance with the front yard and side street side yard setback requirements in an I-1, Light Industry District.

Council District 3

Motion to approve by Adam Metcalfe. Second by Sanford Davis. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval:

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- 1) Approving the variance will not be contrary to the public interest;
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance.

It should be noted that extension of the addition into the right-of-way will require either a non-utility right-of-way use agreement or the successful vacation of the right-of-way. Without either approval, the applicant may only build to the property line.

V. EXTENSIONS:

2. #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 Adam Metcalfe. Second by Greg Morris. **Approved.**

After discussion, the Board approved the six-month extension request.

3. #6314

(Case #BOA-001207-2020)

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

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Motion to approve by Adam Metcalfe. Second by Greg Morris. **Approved.**

After discussion, the Board approved the six-month extension request.

VI. PUBLIC HEARINGS:

4. #6444

(Case #BOA-001926-2022)

Jacquelyn R. Benedict

2159 Old Government Street

(Southeast corner of Old Government Street and Crenshaw Street).

Side Street Side Yard Setback Variance to allow a privacy fence over three feet high within the required 20-foot side street side yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow structures over three feet high within the required 20-foot side street side yard setback in an R-1, Single-Family Residential District.

Council District 1

Motion to approve by Jeremy Milling. Second by Sanford Davis. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval:

- 1) Approving the variance will not be contrary to the public interest because the proposed fence is in keeping with the character of existing fences/walls in the area;**
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**
- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance, as the fence would be allowed by-right if in a locally regulated historic district.**

The approval is subject to the following conditions:

- 1) Obtain associated building permits; and**
- 2) Full compliance with all municipal codes and ordinances.**

5. #6445

(Case #BOA-001948-2022)

Lamar Advertising

826 South Conception Street

(Southwest corner of South Conception Street and New Jersey Street).

Sign Variance to allow an outdoor advertising sign in excess of 300 square feet per face, in excess of 35 feet in height and within 1,000 feet of another outdoor advertising

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sign in an I-1, Light Industry District; the Zoning Ordinance limits outdoor advertising signs to a maximum of 300 square feet per face, with a maximum height of 35 feet, and no closer than 1,000 feet of another outdoor advertising sign in an I-1, Light Industry District.

Council District 2

Motion to approve by Adam Metcalfe. Second by Jeremy Milling. **Approved.**
Lewis Golden opposed.

After discussion, the Board determined the following Findings of Fact for Approval to allow an outdoor advertising sign 55-feet in height:

- 1) Approving the variance will not be contrary to the public interest;
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance.

6. **#6447/6420**

(Case #BOA-001953-2022)

Roxanne Eaton & Joyce Pritchett

3340 Lees Lane

(West side of Lees Lane, 680'± South of its North terminus).

Use Variance to allow a family recreation venue with accessory use facilities in an R-1, Single-Family Residential District; the Zoning Ordinance requires that the primary use of a property be for a single-family residential dwelling in an R-1, Single-Family Residential District.

Council District 4

Motion to approve by Sanford Davis. Second by Adam Metcalfe. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval:

- 1) Approving the variance will not be contrary to the public interest;
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance.

The approval is subject to the following conditions:

- 1) Obtain associated building permits; and
- 2) Full compliance with all municipal codes and ordinances.

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VII. OTHER BUSINESS: