



# Mobile Board of Zoning Adjustment Agenda

May 1, 2023 – 2:00 P.M.

## ADMINISTRATIVE

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### Roll Call

	Mr. William L. Guess, Chairman
X	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.

Staff: Doug Anderson, Margaret Pappas, Marie York, Victoria Burch, Grace Toledo, Butch Ladner

Motion TO ADOPT THE AGENDA by JM second by GM.

## EXTENSIONS

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### 1. BOA-001206-2020

**Case #:** 6313  
**Location:** 151 North Cedar Street and 554 St. Louis Street  
**Applicant / Agent:** St. Louis 554, LLC  
**Council District:** District 2  
**Proposal:** 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.

Motion TO APPROVE by AM second by CC.

After discussion, the Board made the following findings of fact for approval:

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

## 2. BOA-001207-2020

**Case #:** 6314  
**Location:** 505, 507 & 515 St. Louis Street and 510 St. Michael Street  
**Applicant / Agent:** Mariner Mobile I, LLC  
**Council District:** District 2  
**Proposal:** 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.

Motion TO APPROVE by AM second by CC

After discussion, the Board made the following findings of fact for approval:

- 1) The variance will not be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) 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

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### 3. BOA-002443-2023

**Case #:** 6511  
**Location:** 4218 Bellevue Lane  
**Applicant / Agent:** Shawn Kleinpeter  
**Council District:** District 5  
**Proposal:** Front Yard Setback Variance to allow an eight-foot (8') high wall along the front property line and within the 25-foot front yard setback in an R-1, Single-Family Residential District; the Unified Development Code (UDC) requires a 25-foot front yard setback in an R-1, Single-Family Residential district.

HELDOVER – NO ACTION TAKEN

### 4. BOA-002464-2023

**Case #:** 6513/2140  
**Location:** 1800 Dr. Martin Luther King, Jr. Avenue  
**Applicant / Agent:** Progressive Black Fire Fighters of Mobile, Inc. (Terence Bridges, Agent)  
**Council District:** District 2

**Proposal:** Use and Side Street Side Yard Setback Variances to allow a membership meeting hall with a 13-foot (13') side street side yard setback in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) does not allow a membership meeting hall in an R-1, Single-Family Residential Urban District, and requires a 20-foot (20') side street side yard setback in an R-1, Single-Family Residential Urban District.

Motion TO APPROVE by JM second by GM.

After discussion, the Board made the following findings of fact for approval:

- 1) The variance will not be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) 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-002481-2023

**Case #:** 6514  
**Location:** 765 St. Anthony Street  
**Applicant / Agent:** Victor Robinson  
**Council District:** District 2  
**Proposal:** Site Variance to allow a curb cut along the primary street frontage for a corner lot with a secondary street frontage, and to allow a curb cut along the primary street frontage for a lot with no secondary street frontage and less than 54 feet in width in an SD-WH, Special District-Warehousing Sub-District of the Downtown Development District; the Unified Development Code (UDC) does not allow a curb cut along the primary street frontage for a corner lot with a secondary street frontage, and does not allow a curb cut along the primary street frontage for a lot with no secondary street frontage and less than 54 feet in width in an SD-WH, Special District-Warehousing Sub-District of the Downtown Development District.

Motion TO APPROVE by JM second by GM.

After discussion, the Board made the following findings of fact for approval:

- 1) The variance will not be contrary to the public interest, as there will be no changes as it relates to the existing curb cuts;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) 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-SE-002483-2023

<b>Case #:</b>	6515
<b>Location:</b>	5761 U.S. Highway 90 West
<b>Applicant / Agent:</b>	TVH Properties, LLC (Casey Pipes, Agent)
<b>Council District:</b>	District 4
<b>Proposal:</b>	Special Exception and Frontage Landscaping Variances to allow the expansion of an existing veterinary hospital with outside runs, and to allow reduced frontage landscaping area, in a B-3, Community Business District; the Unified Development Code (UDC) requires a Special Exception to allow outside runs, and full compliance with the landscaping requirements in a B-3, Community Business District.

Motion TO APPROVE by GM second by AM.

After discussion, the Board made the following findings of fact for approval of the landscaping variance:

- 1) The variance will not be contrary to the public interest, as there will be no changes as it relates to the existing curb cuts;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

Motion TO APPROVE by GM second by CC.

After discussion, the Board made the following findings of fact for approval of the Special Exception:

- (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. Where any such improvements, facilities, utilities or services are not available or adequate

to service the proposed use in the proposed location, the Applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness and commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this Chapter, and other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities and services being provided and guaranteed by the Applicant.

- (d) The proposed use is consistent with all applicable requirements of this Chapter,
- (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; and
- (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-002484-2023

**Case #:** 6516/5817/5662/5531/1653  
**Location:** 208 North Lafayette Street  
**Applicant / Agent:** Napoleon McCovery (Gerald Byrd, Agent)  
**Council District:** District 2  
**Proposal:** Off-Site Parking Variance to amend a previously approved Off-Site Parking Variance to allow a parking expansion in a B-2, Neighborhood Business District (rezoning pending); the Unified Development Code (UDC) requires all parking to be on-site in a B-2, Neighborhood Business District.

Motion to DENY by AM second by JM.

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

- 1) The variance will be contrary to the public interest;
- 2) Special conditions do not exist such that a literal enforcement of the provisions of the chapter will not result in unnecessary hardship; and
- 3) 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.