



Mobile Board of Zoning Adjustment Results Agenda

September 9, 2024 – 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. Chris Carroll
X	Mr. Gregory Morris, Sr.
X	Mr. Taylor Atchison, Supernumerary
	Vacant
	Vacant, Supernumerary

Staff: Doug Anderson, Marie York, Logan Anderson, Shayla Beaco, Victoria Burch, Grace Toledo, Jonathan Ellzey

ORDER OF HEARING: 11, 1 – 10, 12-18

HOLDOVERS

1. BOA-003009-2024

Case #: 6607
Location: 1719 Dauphin Street
Applicant/Agent: Scott Moore
Council District: District 2
Proposal: Use Variance to allow a health/fitness club with personal services in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) does not allow a health/fitness club with personal services in an R-1, Single-Family Residential Urban District.

Motion TO APPROVE by Jeremy Milling; 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.

2. BOA-003010-2024

Case #: 6608
Location: 1719 Dauphin Street
Applicant/Agent: Scott Moore
Council District: District 2
Proposal: Access and Maneuvering, Surfacing, and Frontage Tree Variances to allow a gravel surfaced access aisle, a sub-standard access aisle for two-way traffic, and no frontage tree plantings for a commercial development in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) requires access aisles to be paved with concrete, asphaltic concrete, asphalt, or concrete pavers, 24-foot wide access aisles for two-way traffic, and compliant frontage tree plantings or a commercial development in an R-1, Single-Family Residential Urban District.

Motion TO APPROVE by Jeremy Milling; 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.

The approval is subject to the following conditions:

- 1. Approval of the commercial Use Variance;
- 2. Obtain all necessary land disturbance and building permits; and
- 3. Full compliance with all municipal codes and ordinances.

EXTENSIONS

3. BOA-SE-002598-2023

Case #: 6537/6205
Location: 2600 Burden Lane
Applicant / Agent: McDowell Knight / Stephen Harvey, Agent
Council District: District 1

Proposal: Special Exception to allow railroad facilities in an I-1, Light Industry District; the Unified Development Code (UDC) requires a Special Exception to allow railroad facilities in an I-1, Light Industry District.

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

AFTER DISCUSSION, THE BOARD APPROVED THE TWELVE (12) MONTH EXTENSION.

4. BOA-002778-2023

Case #: 6567
Location: 812, 816, and 824 West I-65 Service Road South
Applicant/Agent: Eduardo Robinson, DI Hotels Sun, LLC
Council District: District 5
Proposal: Height Variance to allow a structure taller than 45-feet in a B-3, Community Business Suburban District; the Unified Development Code (UDC) limits structures to a maximum of 45-feet in a B-3, Community Business Suburban District.

Motion TO APPROVE by Gregory Morris; second by Taylor Atchison. **Approved.**

AFTER DISCUSSION, THE BOARD APPROVED THE SIX (6) MONTH EXTENSION.

PUBLIC HEARINGS

5. BOA-003003-2024

Case #: 6609
Location: 985 Schillinger Road South
Applicant/Agent: Texas Republic Signs / Michael B. Everett
Council District: District 6
Proposal: Sign Variance to allow four (4) wall signs and one (1) freestanding sign for a single business site in a B-3, Community Business Suburban District; the Unified Development Code (UDC) limits single business sites to a maximum of two (2) wall signs and one (1) freestanding sign in a B-3, Community Business Suburban District.

Motion TO APPROVE by Jeremy Milling; second by Gregory Morris. **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) obtaining sign permits for the proposed additional signage; and
- 2) full compliance with all municipal codes and ordinances.

6. BOA-003020-2024

Case #: 6611/6431/3924
Location: 960 South Lawrence Street
Applicant/Agent: PCDA Architecture, Paul Davis
Council District: District 3
Proposal: 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 Unified Development Code (UDC) requires full compliance with the front yard and side street side yard setback requirements in an I-1, Light Industry District.

Motion TO APPROVE by Chris Carroll; second by Gregory Morris. **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) Obtain all required permits for the structure;
- 2) Full compliance with all other municipal codes and ordinances; and
- 3) Parking variance request.

7. BOA-003029-2024

Case #: 6612
Location: 2301 McFarland Road
Applicant/Agent: Sawgrass Consulting, LLC
Council District: District 6
Proposal: Site Coverage Variance to allow 45% site coverage for new dwellings in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) limits new dwellings in an R-1, Single-Family Residential Suburban District to 35% site coverage.

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) Full compliance with all other municipal codes and ordinances.

8. BOA-003030-2024

Case #: 6613
Location: 2301 McFarland Road
Applicant/Agent: Sawgrass Consulting, LLC
Council District: District 6
Proposal: Sub-Standard Lot Size, Site Coverage, Front Yard Setback, Rear Yard Setback, and Side Yard Setback Variances to allow sub-standard lots, with increased site coverage, and reduced front, rear, and side yard setbacks in an R-3, Multi-Family Residential Suburban District (rezoning pending); the Unified Development Code (UDC) requires new lots to be a minimum of 60-foot wide and 10,000 square feet in an R-3, Multi-Family Residential Suburban District (rezoning pending), with no more than 45% site coverage, with 25-foot front setbacks, and 5-foot side and rear yard setbacks.

Motion TO APPROVE by Taylor Atchison; second by Gregory Morris. **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) Full compliance with all other municipal codes and ordinances.

9. BOA-003031-2024

Case #: 6614
Location: 311 Glenwood Street
Applicant/Agent: Smith’s Auto Imports / Ranita Smith
Council District: District 2
Proposal: Use, Parking Ratio, Sub-Standard Access & Maneuvering Variances to allow automobile sales with reduced parking, sub-standard access, and vehicular maneuvering in the right-of-way in a B-2, Neighborhood Business Urban District; the Unified Development Code (UDC) requires a minimum of B-3, Community Business Urban District for automobile sales, compliant parking, and 24-foot wide access for two-way traffic, and all vehicular maneuvering to be located on private property in a B-2, Neighborhood Business Urban District.

Motion TO APPROVE by Gregory Morris; 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.

The approval is subject to the following conditions:

- 1) The property shall only be used for clerical / office uses associated with automotive sales;
- 2) There shall be no storage, display or sale of vehicles from the location; and
- 3) Full compliance with all other codes and ordinances.

10. BOA-003033-2024

Case #: 6615/5728
Location: 4464, 4474, 4480, and 4490 Halls Mill Road
Applicant/Agent: Persons Development & Construction Services, LLC / Buddy Persons
Council District: District 4
Proposal: Use Variance to allow a contractor with storage yard in a B-3, Community Business Suburban District; the Unified Development Code (UDC) does not allow a contractor with storage yard in a B-3, Community Business Suburban District.

Motion TO APPROVE by Taylor Atchison; second by Gregory Morris. **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.

11. BOA-003034-2024

Case #: 6616/5508/5507/5328
Location: 805 Church Street
Applicant/Agent: Deerfish Distilling Co., LLC
Council District: District 2
Proposal: Use Variance to allow a distillery in a T-4 Sub-District of the Downtown Development District; the Unified Development Code (UDC) allows distilleries to be located in a SD-WH Sub-District of the Downtown Development District.

The applicant withdrew the application at the meeting. **WITHDRAWN.**

12. BOA-003035-2024

Case #: 6617
Location: 5101 Government Boulevard
Applicant/Agent: Wrico Signs / Stormy Rutledge
Council District: District 4
Proposal: Sign Variance to allow a digital electronic message sign at a church in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) does not allow digital electronic message signs in an R-1, Single-Family Residential Suburban District.

Motion TO APPROVE by Lewis Golden; second by Jeremy Milling. **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. Acquisition of an Electrical Permit for the proposed electrical connection;
- 2. Acquisition of a Sign permit for the proposed sign; and

3. Full compliance with all other codes and ordinances.

13.BOA-003036-2024

Case #: 6618
Location: 1062 and 1066 Wood Alley
Applicant/Agent: GIFS, LLC / Gary Grandison
Council District: District 2
Proposal: Use Variance to allow two (2) single-family dwellings on one site in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) allows only one (1) single-family dwelling per site in an R-1, Single-Family Residential Urban District.

Motion TO APPROVE by Taylor Atchison; second by Gregory Morris. **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) Acquisition of all required permits from the Central Permitting Department; and
- 2) Full compliance with all other codes and ordinances.

14.BOA-SE-003040-2024

Case #: 6619/6515
Location: 5761 U.S. Highway 90 West
Applicant/Agent: Helmsing Leach / Casey Pipes
Council District: District 4
Proposal: Special Exception to allow the expansion of an existing veterinary hospital with outside runs in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires a Special Exception to allow outside runs in a B-3, Community Business Suburban District.

Motion TO APPROVE by Jeremy Milling; second by Chris Carroll. **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.

15. BOA-003041-2024

Case #:	6620/6515
Location:	5761 U.S. Highway 90 West
Applicant/Agent:	Helmsing Leach / Casey Pipes
Council District:	District 4
Proposal:	Frontage Landscaping Variance to allow reduced frontage landscaping area in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires full compliance with the landscaping requirements in a B-3, Community Business Suburban District.

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

16.BOA-SE-003044-2024

Case #: 6622/3995
Location: 5301 Moffett Road
Applicant/Agent: PMG, LLC / Cowles, Murphy, Glover, & Associates
Council District: District 7
Proposal: Special Exception to allow warehousing (over 40,000 square feet) in a B-3, Community Business Suburban District (rezoning pending); 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 (rezoning pending).

Motion TO APPROVE by Taylor Atchison; second by Lewis Golden. **Heldover to October 7th.**

After discussion, the Board determined to holdover the request to the October 7th meeting to allow the applicant time to:

- 1. Provide a site plan that illustrates compliance with the development requirements of Article 3 and depicts consistency with any applicable use regulations in Article 4.

17.BOA-003046-2024

Case #: 6623
Location: 4067 Bay Front Road
Applicant/Agent: Sarah Duncan
Council District: District 3
Proposal: Height Variance to allow a single-family dwelling with a 37.5-foot maximum height in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) limits new dwellings in an R-1, Single-Family Residential Suburban District to a 35-foot maximum height.

Motion TO APPROVE by Gregory Morris; 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.

The approval is subject to the following conditions:

1. Full compliance with all municipal codes and ordinances.

18.BOA-003072-2024

Case #: 6624
Location: 7170 Howells Ferry Road
Applicant/Agent: Crafton Communications / Hope Carrico
Council District: District 7
Proposal: Setback Variance to allow a 145-foot tall telecommunications tower to be less than 145-feet from the property line in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) requires replacement telecommunications towers in an R-1, Single-Family Residential Suburban District to be setback from the property line a distance equal to their height.

Motion TO APPROVE by Taylor Atchison; second by Gregory Morris. **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

- **Review of Minutes from the following Board of Adjustment meetings:**

December 4, 2023

June 3, 2024

July 8, 2024

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