



THE CITY OF MOBILE, ALABAMA
BOARD OF ZONING ADJUSTMENT
LETTER OF DECISION

January 11, 2019

Broad Street Restoration Society
P.O. Box 2166
Mobile, AL 36652

Re: #6231/286
(Case #BOA-000777-2018)
Broad Street Restoration Society
563 South Broad Street
(Northeast corner of South Broad Street and New Jersey Street)

Dear Applicant(s) / Property owner(s):

On January 7, 2019,, the Board of Zoning Adjustment considered your request for a **Front and Side Street Side Yard Setback and Fence Variances to allow a building to encroach within the Front Yard and Side Street Side Yard Setbacks, a covered patio to encroach 13.5' within the Side Street Side Yard Setbacks, two (2) 13.7'±-tall entrance pylons, multiple 8.5'-tall masonry posts, and a 7.7'±-tall metal fence to be constructed along the front property line, and a 10'-tall masonry wall and 10'-tall wooden fence to be constructed along side property lines on a site in a B-2, Neighborhood Business District at the above referenced location.**

After discussion, the Board accepted the revised site plan submitted at the meeting, and determined the following findings of facts for the Approval of all requests:

- 1) Approving the variance will not be contrary to the public interest in that it will allow for the re-purposing of a vacant commercial site with aesthetic improvements in keeping with the intent of the Broad Street corridor TIGER project;**
- 2) Special conditions (many of the surrounding structures in the area are constructed closer to the property lines than what the current zoning setbacks allow, many of the commercial structures are constructed adjacent to residentially developed sites, and many of the commercial buildings exceed the heights allowed in the buffer between commercial and residential lots) exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship with respect to the site configuration; and**
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because it will allow for site**

improvements similar to those allowed within the nearby Oakleigh Garden Historic District contributing to the planned revitalization of the Broad Street corridor.

The approvals are subject to the following conditions:

- 1) revision of the site plan to remove the 25' minimum building setback line along both street frontages, and the placement of a note on the site plan stating that there is a 0-foot minimum building setback along both street frontages;
- 2) subject to the Engineering comments: *[The proposed 10 foot tall masonry wall and the proposed decorative metal fence are proposed to be constructed within an existing drainage easement. Anything constructed within the easement is subject to removal if the City requires access to the existing underground drainage system. If the proposed variances are approved for use the applicant will need to have the following conditions met: 1. The proposed fences located within the existing 50' wide drainage and utility easement would be the property owner's responsibility to remove/rebuild if access is required to the existing underground drainage system. 2. The proposed improvements shown on the submitted SITE PLAN drawing will require a TIER 1 Land Disturbance Permit. 3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. The construction of a solid masonry wall will require that the existing drainage patterns and surface flow characteristics are not altered so as to have a negative impact on any adjoining properties or any public rights-of-way. 5. If any work is proposed within the Broad Street ROW the New Jersey Street ROW or a public drainage easement a ROW Permit must be obtained from the City of Mobile Engineering Dept.];*
- 3) subject to the Urban Forestry comments: *[Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.];*
- 4) subject to the Fire Department comments: *[All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code).];*
- 5) completion of the Subdivision process prior to any request for land disturbance;
- 6) submission to and approval by Planning and Zoning of two (2) copies of a revised site plan prior to any request for land disturbance; and
- 7) full compliance with all municipal codes and ordinances.

Any party aggrieved by this decision may, within fifteen days of the date of the decision, appeal to the Circuit Court of Mobile County by filing a written notice of appeal, specifying the decision from which the appeal is taken. Notice of the appeal, as well as a date stamped copy of

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the appeal filed in Circuit Court must be filed with this Board within the fifteen-day appeal period.


No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before July 7, 2019, the **Front and Side Street Side Yard Setback and Fence Variances** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:



Bert Hoffman
Principal Planner

Cc: Cummings Architecture Corp.