



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

July 11, 2019

Tony Cooper  
900 Hillcrest Rd., Suite A5  
Mobile, AL 36695

**Re: #6262**  
**(Case #BOA-000935-2019)**  
**Tony Cooper**  
**5620 Sermon Road North**  
(Northwest corner of Sermon Road North and Willis Road).

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

On July 8, 2019, the Board of Zoning Adjustment considered your request for a **Tree Planting Variance to allow reduced tree plantings in a B-3, Community Business District** at the above referenced location.

**After discussion, the Board determined the following findings of facts for Approval of the Variance request:**

- 1) **The variance will not be contrary to the public interest, in that requiring the tree plantings will interfere with the effectiveness of infrastructure serving the site;**
- 2) **Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship, in that the roots of the required trees would interfere with underground utilities serving the site; and**
- 3) **The spirit of the chapter shall be observed and substantial justice be done to the applicant and the surrounding neighborhood by granting the variance as to allow infrastructure to serve the site without competing with tree roots.**

**The Approval is subject to the following conditions:**

- 1) **Payment to the “*Mobile Tree Commission*” Tree Bank in the amount of \$200 per missing overstory tree, for a total of \$3,200 prior to the issuance of a final Certificate of Occupancy; and**
- 2) **Full compliance with all municipal codes and ordinances.**

**Tony Cooper**  
**July 11, 2019**  
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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 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 January 8, 2020, the **Tree Planting Variance** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

**BOARD OF ZONING ADJUSTMENT**

William Guess, Chairman

By:

  
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Bert Hoffman  
Principal Planner

Cc: Don Williams, PSE Designs