



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

December 13, 2019

Sun Traders, LLC
1508 Azalea Road
Mobile, AL 36693

Re: #6297
(Case #BOA-001131-2019)
Sun Traders, LLC
1508 Azalea Road
(South side of Azalea Road; 278'± East of Halls Mill Road)

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

On December 2, 2019, the Board of Zoning Adjustment considered your request for **Access and Tree Planting Variances to allow a curb cut less than 24 feet wide for two-way traffic and reduced number of frontage trees in an I-1, Light Industrial District** at the above referenced location.

After discussion, the Board established the following findings of facts for Denial of the Access Variance to allow a curb cut less than 24' in width:

- 1) Approving the variance will be contrary to the public interest in that the allowance would continue a sub-standard access/maneuvering situation within the parking lot;
- 2) Special conditions were not illustrated such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the allowance will not provide for a two-way traffic flow into and out of the site.

However, the Board determined the following findings of facts for Approval of the Tree Planting Variance:

- 1) Approving the variance will not be contrary to the public interest in that one tree must be removed for the proposed new curb cut;
- 2) Special conditions such as site constraints were illustrated such that the 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 because Tree Bank donations can be utilized elsewhere in the City.**

The approval is subject to the following conditions:

- 1) **obtain the necessary private property tree permit;**
- 2) **donation of \$400.00 to the Mobile Tree Commission to mitigate the shortage of 2 overstory trees at \$200.00 per tree; and**
- 3) **full compliance with all other 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 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 June 2, 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: 

Margaret Pappas
Deputy Director of Planning & Zoning

Cc: Damodara Kunche
CR Design Worx