



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

November 6, 2018

David Shumer  
3213 Midtown Park South  
Mobile, AL 36606

**Re: #6217/5068/580**

**(Case #BOA-000709-2018)**

**David Shumer**

**1451 and 1459 Government Street, and 1458 Church Street**

(Southwest corner of Government Street and Stocking Street, extending to the North side of Church Street, 200'± West of Stocking Street).

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

On November 5, 2018, the Board of Zoning Adjustment considered your request for a **Use, Use Across Multiple Building Sites, Multiple Buildings, Fence Height, Queuing Space, and Maneuvering Surface Variances** to allow a plant and garden nursery to operate across multiple building sites with multiple buildings on a single building site, a 5' high fence within the 25' minimum building setback, a vehicle queuing space for gates of 15' from the right-of-way, and aggregate maneuvering surfaces in a **B-1, Buffer Business District, and R-3, Multi-Family Residential District** at the above referenced location.

After discussion, the Board determined the following findings of fact for Approval for all requested variances:

- 1) **The variance will not be contrary to the public interest;**
- 2) **Special conditions exist, including the odd shape of the site and the two separate zoning districts, 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, as most other uses of the sites would require a rezoning of the properties.**

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

**David Shumer**  
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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 May 5, 2019, the **Use, Use Across Multiple Building Sites, Multiple Buildings, Fence Height, Queuing Space, and Maneuvering Surface 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: Stokley Nursery