



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

February 8, 2019

Dennis D. McLeod
457 Dauphin Island Parkway
Mobile, AL 36606

Re: #6236/6237/6238/6135/6136/6137

(Case #BOA-000813-2019, BOA-000814-2019, and BOA-000816-2019)

Dennis McLeod

451 & 457 Dauphin Island Parkway, 1965 & 1967 Antoine Street and 1968 Duncan Street

(Southeast corner of Dauphin Island Parkway and Antoine Street, extending to the North side of Duncan Street, 150'± East of Dauphin Island Parkway.)

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

On February 8, 2019, the Board of Zoning Adjustment considered your request for a **Use, Front Setback, Reduced Tree Planting, Landscaping, Surfacing, and Maneuvering Variances** to allow the storage of commercial equipment in two R-1, Single-Family Residential Districts, and to allow two existing buildings within the 25' front setback, reduced tree plantings, no landscape area, aggregate surfacing, and vehicular maneuvering area within the public right-of-way for a single-tenant commercial site in a B-3, Community Business District at the above referenced location.

After discussion, the Board determined the following findings of fact for Approval for the Use, Front Setback, Landscaping, Surfacing and Maneuvering variance requests:

- 1) Approving the variances, per the revised site plan submitted for Planning Commission review, will not be contrary to the public's interest given the fact that the applicant will make additional improvements to the overall site;
- 2) Special conditions appear to exist, given the period when the head-in parking and buildings were built, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance since it would preserve existing buildings and their relationship to the street, and associated tree, landscaping and buffer fence improvements will benefit the neighborhood.

The Tree Planting request is moot, per the Planning Commission's approval of a site plan depicting the provision of 14 trees on-site, and 14 trees to be donated to the tree bank.

The Approval is valid for one year, until February 4, 2020, and is subject to the following conditions:

- 1) Compliance with Engineering comments (*If the aggregate surfacing is approved for use the applicant will need to have the following conditions met: 1. Submit and receive a Tier 2 Land Disturbance Permit for any proposed site development. 2. Submit a ROW Permit (ALDOT and City of Mobile) for any proposed work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW. 3. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt)..*);
- 2) Compliance with the revised Traffic Engineering comments (*Dauphin Island Parkway (AL Highway 163) is an ALDOT maintained roadway Site is limited to no more than its existing curb cuts, with any changes in size, location and design to be approved by ALDOT (where applicable) and Traffic Engineering and conform to AASHTO standards. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.*);
- 3) Compliance with 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).*);
- 4) Compliance with Fire 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)*); and
- 5) 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 February 4, 2020, the **Use, Front Setback, Reduced Tree Planting, Landscaping, Surfacing, and Maneuvering 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: Architecture & Design, Inc.