



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

August 14, 2019

Cowles, Murphy, Glover & Associates  
457 St. Michael Street  
Mobile, AL 36602

**Re: #6270/5633**  
**(Case #BOA-000980-2019)**  
**Cowles, Murphy, Glover & Associates**  
**500 and 552 Beauregard Street**  
(Northwest corner of Beauregard Street and North Lawrence Street).

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

On August 5, 2019, the Board of Zoning Adjustment considered your request for a **Use, Access/Maneuvering and Tree Planting Variances to allow tension testing and research of marine rigging components vehicular access/maneuvering area within the public right-of-way with reduced tree plantings for a commercial site in a B-4, General Business District** at the above referenced location.

**After discussion, the Board determined the following findings of fact for Approval:**

- 1) Approving the variances will not be contrary to the public interest in that the use would be a continuation of the previously-approved Use Variance, and the Access/Maneuvering and Tree Planting requests are necessitated by a proposed City project and not the applicant's initiatives;
- 2) Special conditions 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 the use will not change, traffic within the right-of-way will not be adversely affected, and tree bank donations can be utilized elsewhere in the City.

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

- 1) compliance with the Engineering comments: *[If the ACCESS/MANEUVERING VARIANCE is approved the applicant will need to have the following conditions met:*

- 1. Obtain a NON-UTILITY RIGHT-OF-WAY USAGE AGREEMENT. An encroachment into a public RIGHT-OF-WAY is governed by the Engineering Department under the Mobile Rights of Way Construction and Administration Ordinance. The applicant will need to submit a NON-UTILITY RIGHT-OF-WAY USAGE application to the Right of Way Committee for review. If the application is approved, an agreement will be made between the applicant and the City.*
- 2. Obtain a ROW Permit from the Engineering Dept. for the proposed work within the public ROW.*
- 3. Obtain a Land Disturbance Permit from the Permitting Dept. for the proposed site work.;*
- 2) donation of \$1,600 to the Mobile Tree Commission to mitigate the shortage of 8 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 February 5, 2020, the **Use and Tree Planting and Landscape 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: Marine Rigging, Inc.