



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

March 8, 2018

Jeff LaCour  
4308 Lakewood Drive  
Mobile, AL 36608

**Re: #6159/6119/6063**  
**(Case #BOA-000388-2018)**  
**Jeff LaCour**  
**5054 Old Shell Road**  
**(Northeast corner of Old Shell Road and Border Drive North.)**

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

On March 5, 2018, the Board of Zoning Adjustment considered your request for a **Use, Parking Surface, and Buffer Variances to allow a restaurant in a Neighborhood General Subdistrict of the Traditional Center District (R-1, Single-Family Residential District), with an aggregate parking surface and no parking lot buffering along a street frontage** at the above referenced location.

**After discussion, the Board determined the following findings of fact for Approval of the Use, Parking Surface and Buffer variance requests:**

- 1) Approving the variance request will not be contrary to the public interest because the proposed repurposing of the building and site will result in a less intense use, the provision of adequate on-site parking with a material which will reduce storm water flowing off of the site, and waiving the screening for the site will maintain sight lines from Old Shell onto East Border Drive;**
- 2) Special conditions exist, including the existing commercial structure, the potentially contaminated site, and known flooding adjacent to the site, 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 due to the fact that the site will be repurposed with a less intense use, and with less impervious area.**

**The Approval should be subject to the following conditions:**

- 1) Hours of operation limited to 6:00 AM to 9:00 PM, Monday through Thursday; 6:00 AM to 10:00 PM, Friday and Saturday; and 6:00 AM to 8:00 PM on Sunday;
- 2) Compliance with Engineering comments (*If the aggregate surfacing is approved for use the applicant will need to have the following conditions met: a. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting. b. Submit a ROW Permit (City of Mobile) for the work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW. c. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt).* );
- 3) Compliance with Traffic Engineering comments (*A non-utility right-of-way use agreement should be required to allow for the parking and maneuvering that is proposed to take place within the right-of-way. Dedication may be required along Border Drive North so that the parking and proposed lighting are constructed entirely within the right-of-way. Any striping to be place in the right-of-way must be a thermoplastic material. If a surface variance is approved, the aggregate cannot extend into the right-of-way and cannot be used in the areas designated as the accessible path from any required handicap space to the building.*);
- 4) 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)*);
- 5) 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
- 6) Full compliance with all other applicable 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.

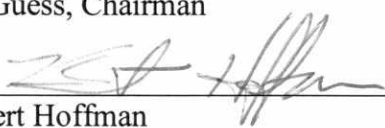
No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before September 5, 2018, the **Use, Parking Surface, and Buffer Variances** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

**BOARD OF ZONING ADJUSTMENT**

William Guess, Chairman

By:

  
Bert Hoffman  
Principal Planner

cc: Dakinstreet Architects