

The City of Mobile, Alabama

Board of Zoning Adjustment

Letter Of Decision

September 24, 2020

David Shumer

Barton & Shumer

3213 Midtown Park S.

Mobile, AL 36606

**Re: #6336/6162**

**(Case #BOA-001331-2020)**

**David M. Shumer (Barton & Shumer Engineering, LLC)**

**921 Dauphin Street & 926 Conti Street**

(North side of Conti Street, 230’± East of Common Street, extending to the South side of Dauphin Street, 285’± East of Common Street).

Council District 2

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

On September 14, 2020, the Board of Zoning Adjustment considered your request for **Parking Lot Lighting, Parking and Access/Maneuvering Surface Variances to allow reduced parking lot lighting in a parking lot with an aggregate surface on a commercial site in an LB-2, Limited Neighborhood Business District; the Zoning Ordinance requires full compliance with parking lot lighting requirements as well as parking and access/maneuvering surfaces to be paved with concrete, asphalt, asphaltic concrete, or an approved alternative paving surface in an LB-2, Limited Neighborhood Business District.**

**After discussion, the Board determined the following Findings of Fact for Approval of the Parking and Access/Maneuvering Surface Variance requests:**

1. **approving the variance will not be contrary to the public interest as the site is located in a historic district where other aggregate parking is common;**
2. **special conditions do exist such that aggregate parking would be consistent with the development of the area; and**
3. **the spirit of the chapter would be observed and substantial justice done to the surrounding neighborhood by granting the variance.**

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

1. **the provision of compliant paving for fire department access;**
2. **the provision of paved handicap accessible parking; and**
3. **full compliance with all municipal codes and ordinances.**

**After discussion, the Board determined the following Findings of Fact for Approval of the Parking Lot Lighting Variance request:**

1. **approving the variance request will not be contrary to the public interest in that the parking lot lighting will fit in with the existing structures on the site;**
2. **special conditions with the site or unusual site constraints do exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship;**
3. **the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that the proposed lighting will be in keeping with the character of the site and existing neighborhood/area.**

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 **March 14, 2021**, the variance 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: Ralph Atchison