

**BOARD OF ZONING ADJUSTMENT  
LETTER OF DECISION**

February 2, 2010

Charter South  
215 Distribution Dr.  
Birmingham, AL 35209

Re: **#5596/5457/4570**  
**(Case #ZON2009-03042)**  
**Charter South, Inc.**  
810 Dauphin Island Parkway  
(Southwest corner of Dauphin Island Parkway and Halls Mill Road).  
**Front Yard Setback Variance to allow the construction of a convenience store to the front property line in a B-3, Community Business District; the Zoning Ordinance requires a minimum 25' front yard setback for all structures in a B-3, Community Business District.**

Dear Applicant/Property Owner:

On February 1, 2010, the Board of Zoning Adjustment approved a variance for a **0-foot Front Yard Setback along Halls Mill Road**, subject to the following conditions:

- 1) completion of the subdivision process prior to the issuance of any permits or land disturbance activities;**
- 2) revision of the site plan indicating the actual right-of-way width (after dedication) of Halls Mill Road;**
- 3) revision of the site plan to remove all maneuvering area from the right-of-way, or the submission and approval of a right-of-way use agreement through the Engineering Department;**
- 4) the provision that the percentage of landscaping and the number and location of tree plantings are required to the best degree possible to be approved by Urban Development, Urban Forestry, and Traffic Engineering;**
- 5) the provision that the developer make a donation to the tree bank for all frontage trees waived; and**
- 6) 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

**Charter South, Inc.**

**February 2, 2010**

**Page 2**

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 August 15, 2010, the **Setback Variance** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

**BOARD OF ZONING ADJUSTMENT**

Reid Cummings, Chairman

By: \_\_\_\_\_

Bert Hoffman, Planner II

cc: Frank A. Dagley

sg