



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

December 5, 2014

Cimco Refrigeration, Inc.
Jose Mergulhao
2502 Commercial Park Drive
Mobile, AL 36606

Re: **#5927**
(Case #ZON2014-02152)
Cimco Refrigeration, Inc.
2508 Commercial Park Drive
(North side of Commercial Park Drive, 360'± East of Government Boulevard
Service Road, extending to the South side of Eslava Creek Parkway, 130'± East
of Government Boulevard Service Road).

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

On December 1, 2014, the Board of Zoning Adjustment considered your request for **Surface Variance to allow gravel surfacing for an equipment lay-down yard in a B-3, Community Business District** at the above referenced location.

After discussion, the Board approved the request, finding that:

- 1) **Based on the fact that the rear portion of the site has been used as a laydown yard since at least 1984, without surface improvements, and the applicant has improved the laydown area with an aggregate surface, the variance will not be contrary to the public interest;**
- 2) **Special conditions exist, including the location of a portion of the site within a flood zone associated with Eslava Creek, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and**
- 3) **The spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance, as the applicant has made other substantial improvements to the site, and the improvement of the laydown yard area with aggregate will additionally reduce run-off and siltation into the adjacent flood zone.**

The approval is subject to the following conditions:

- 1) Maintenance of the aggregate surfacing in the laydown yard for as long as it is in use;
- 2) Revision of the site plan to depict landscape area borders, and provision of the borders around the landscape areas to prevent vehicular encroachment and the placement of laydown materials;
- 3) Provision of three (3) copies of the revised site plan to the Planning Section prior to any request for re-inspection of the site for the completion of the Certificate of Occupancy process;
- 4) Completion of the Certificate of Occupancy process; and
- 5) Any additional proposed access between the site and 2499 Eslava Creek Parkway, beyond what now exists, will require applications for Planned Unit Development and Subdivision approval prior to any requests for permits.

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 June 1, 2015, the **Surface 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, Planner II

cc: BES, Inc.

/lw