



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

April 10, 2014

Damu Kunche
2306 Airport Boulevard
Mobile, AL 36606

Re: #5879/4504/2211
(Case #ZON2014-00216)
Damu Kunche
2306 & 2308 Airport Boulevard
(Northeast corner of Airport Boulevard and Morgan Street).

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

On April 7, 2014, the Board of Zoning Adjustment considered your request for **Front Yard Setback Variance to allow a 20' X 36' gas pump canopy 4.5' from the front property line in a B-2, Neighborhood Business District** at the above referenced location.

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

- 1) Granting the variance will not be contrary to the public interest in that the proposed canopy, with the conditions listed below, will be consistent in terms of the existing setbacks of other businesses located along this segment of Airport Boulevard;
- 2) That special conditions, including the small size of the property and the constricted on-site circulation, do exist that a 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 most of the nearby businesses appear to enjoy similar front yard setbacks, and thus the amended proposal will be consistent with adjoining businesses.

The approval is subject to the following conditions:

- 1) Reduction of the canopy size as offered by the applicant, to be 16 x 36 feet, so that the encroachment into the setback will be lessened;

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- 2) Striping of the queuing lane for the existing drive-through window;
- 3) Completion of the other proposed changes to the site, including the closure of a curb-cut; and
- 4) 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 October 7, 2014, the **Front Yard Setback 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: Thinh Van Nguyen, Nham Van Nguyen, Khuyen Van Nguyen & Anh Ngoc
Nguyen
Byrd Surveying, Inc.

/lw