



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

March 11, 2014

John Kirby & David Kirby
7049 Dickens Ferry Road
Mobile, AL 36608

Re: #5870
(Case #ZON2013-02719)
John Kirby
7049 Dickens Ferry Road
(South side of Dickens Ferry Road, 550 ± East of Cody Road).

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

On March 10, 2014, the Board of Zoning Adjustment considered your request for **Parking Surface Variance to allow a gravel lay down yard for the storing of cars for an automobile paint and body shop in a B-3, Community Business District (rezoning pending)** at the above referenced location.

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

- 1) Based on the use of the property for vehicle storage and the movement of heavy equipment on the site, which would destroy a paved area, the aggregate surface variance will not be contrary to the public interest;
- 2) These special conditions of proximity to wetlands and flood zones, and the desire to reduce storm water runoff, exist 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 that will otherwise comply with the setback and buffering requirements from adjacent residential uses, and that will be a use which will not impact adjacent residential uses.

The approval is subject to the following conditions:

- 1) Compliance with Engineering comments (*If the aggregate surfacing is approved for use as requested the applicant will need to have the following condition met to address unpermitted land disturbing activity on-site: Submit and receive a Land*

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Disturbance Permit for the existing site development additions, including within the AE and X (shaded) Flood Zones.); and

- 2) *Compliance with Traffic Engineering comments (As it pertains to the surface variance, any required parking spaces should be delineated by curb stops, as spaces can not be painted on aggregate surface. Other concerns related to this site include the point(s) of access to both public right-of-way and adjacent properties, which should be addressed with the applications to the Planning Commission.).*

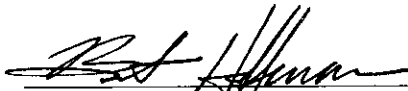
Any party aggrieved by this decision may, within fifteen days of the date of the decision, appeal to the Circuit Court of Mobile County by filing a written notice of appeal, specifying the decision from which the appeal is taken. Notice of the appeal, as well as a date stamped copy of the appeal filed 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 10, 2014, the **Parking 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: Kirby Properties, LLC
Polysurveying of Mobile, Inc.

/lw