



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION
** CORRECTION **

August 9, 2021

Pendarius Kidd
2810 Harper Avenue
Mobile, AL 36617

Re: #6393
(Case #BOA-001621-2021)
Pendarius Kidd
2810 Harper Avenue
(North side of Harper Avenue, 176'± East of Butler Street).

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

On August 2, 2021, the Board of Zoning Adjustment considered your request for a **Use, Surfacing, Parking Ratio, Landscaping and Tree Planting, and Residential Buffering Variances** to allow a hot dog shop without paved parking, no designated parking spaces, no landscaping or tree plantings, and no residential buffering in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow hot dog shops in R-1, Single-Family Residential Districts, and requires compliant parking surfaces, sufficient parking spaces, full compliance with landscaping and tree planting ratios, and compliant residential buffering.

After discussion, the Board determined the following Findings of Fact for Denial for the Use Variance:

- 1) The variance will be contrary to the public interest, as the site is predominately single-family residential in nature;
- 2) Special conditions do not appear to exist, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship as no attempt has been made to use the site in a compliant manner; and
- 3) The spirit of the chapter shall not be observed, and substantial justice shall not be done to the applicant and the surrounding neighborhood by granting the requested variance, as the proposed commercial operation would not be in keeping with the existing character of the neighborhood.

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

2810 Harper Avenue

August 4, 2021

Page 2 of 2

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.


For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:



Marie York, Principal Planner