



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

July 14, 2022

Nick Richards
Chris Albritton Construction Company, Inc.
2100 Bush Dairy Road
Laurel, Mississippi 39443

Re: #6460/6076
(Case #BOA-002042-2022)
Lyle Bobcat of Mobile (Sawgrass Consulting, LLC, Agent)
5340 Halls Mill Road and 4370 Rangeline Road
(North side of Halls Mill Road, 690'± West of Rangeline Service Road South, extending to the East side of U.S. Highway 90 West).

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

On July 11, 2022, the Board of Zoning Adjustment considered your request for a **Front Setback and Tree Planting Variances** allow a structure and dumpster, both exceeding three-feet tall, in the front setback and reduced tree plantings in a B-3, Community Business District; the Zoning Ordinance requires all structures taller than three-feet to be located outside of the front setback, and full compliance with tree planting requirements in a B-3, Community Business District.

After discussion, the Board determined the following Findings of Fact for Approval:

- a) approving the variance request will not be contrary to the public interest in that the site could have been reconstructed within one year of the fire, without the need for bringing the site into compliance;
- b) special conditions with the site or unusual site constraints do exist that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as COVID-19 and material shortages delayed the applicant's ability to re-build within the allowed timeframe; and
- c) the spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variances because existing non-conformities in the area are common.

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The Approval is subject to the following conditions:

- 1) relocation of the proposed dumpster to be no closer to Halls Mill Road than the structure;**
- 2) submittal of a revised site plan;**
- 3) obtain all necessary permits; and**
- 4) full compliance with all 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 **January 11, 2023**, the variance will expire and become null and void.


For additional assistance call the Planning and Zoning Department at (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:


Marie York, Principal Planner