



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

July 12, 2016

Cummings Architecture Corp.
One Houston Street
Mobile, Al 36606

Re: #6047/3944
(Case #ZON2016-01278)
Ben Cummings – Cummings Architecture
1151 Dauphin Street
(Southwest corner of Dauphin Street and Oakland Terrace).

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

On July 11, 2016, the Board of Zoning Adjustment considered your request for **Site Variance to allow off-site gravel parking for a doctor's office in a B-1, Buffer Business District; the Zoning Ordinance requires all parking be provided on-site and to be surfaced with asphalt, concrete, or an approved alternative surface in a B-1, Buffer Business District** at the above referenced location.

After discussion, the Board determined the followings findings of fact for Approval:

- 1) Approving the variance request will not be contrary to the public interest because the proposed off-site parking area has been in such use between the properties since at least 1983, with aggregate or similar surfacing;
- 2) Special conditions exist, including the location of the site within an historic district, the presence of a platted public alley dividing the site, and the existence of large live oak trees which benefit from the water absorbing qualities of aggregate paving, 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 due to the fact that the site will essentially be maintained in its current character, with only minor changes to comply with Federal accessibility requirements.

Cummings Architecture Corp.

July 12, 2016

Page 2

The approval is subject to the following conditions:

- 1) The provision of a boundary, such as concrete parking bumpers or similar (to be coordinated through the Mobile Historic Development Commission staff), around the perimeter of the aggregate parking area in order to prevent vehicular encroachment into abutting landscape areas or adjacent properties; and
- 2) Full compliance with all other applicable 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, 2017, the **Site 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, Principal Planner

cc: Byrd Surveying, Inc.
First Church of Christ

/lr