

**BOARD OF ZONING ADJUSTMENT
LETTER OF DECISION**

October 4, 2011

Harkness Properties
P.O. Box 180264
Mobile, AL 36618

Re: **#5706/1048**
(Case #ZON2011-02142)
Harkness Properties, Inc.
2724 Old Shell Road

(Northeast corner of Old Shell Road and Bay Shore Avenue)

Parking Ratio, Front Setback, Side Street Side Yard Setback Variances to allow an existing 12,641 square-foot structure that is within 22 feet from the front property line and within zero feet (and extends into the right-of-way) of the side property line, to be converted into a medical office and construction of 40 new parking spaces in a B-2, Neighborhood Business District (rezoning pending); the Zoning Ordinance requires at least a 25-foot front yard setback and a 20-foot side street side yard setback, and at least 42 on site parking spaces for a medical office in a B-2, Neighborhood Business District (rezoning pending).

Dear Applicant/Property Owner:

On October 3, 2011, the Board of Zoning Adjustment approved a variance **to allow an existing 12,641 square-foot structure that is within 22 feet from the front property line and within zero feet (and extends into the right-of-way) of the side property line, to be converted into a medical office and construction of 40 new parking spaces in a B-2, Neighborhood Business District (rezoning pending)**, subject to the following conditions:

- 1) subject to obtaining a Right-of-Way Use Agreement with the City of Mobile for the parking within the Bay Shore Avenue right-of-way; and**
- 2) full compliance with all other municipal codes and ordinances.**

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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 April 3, 2012, the **Parking Ratio, Front Setback, Side Street Side Yard Setback Variances** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By: _____
Caldwell Whistler, Planner I

cc: Frank A. Dagley

sg