



THE CITY OF MOBILE, ALABAMA
BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

May 5, 2017

Barton & Shumer Engineering, LLC
Attn: David Shumer
4373 Downtowner LP S., Ste. B
Mobile, AL 36609

Re: **#6104**
(Case #BOA-000059-2017)
David M. Shumer
5999 U.S. Highway 90 West
(South side of U.S. Highway 90 West, ¼ mile± East of Broadview Drive East).

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

On May 1, 2017, the Board of Zoning Adjustment considered your request for a **Surfacing Variance to allow aggregate surfacing for a parking area in a B-3, Community Business District; the Zoning Ordinance requires all parking surfaces be paved with asphalt, concrete, or an approved alternative paving surface in a B-3, Community Business District at the above referenced location.**

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

- 1) Granting the variance will not be contrary to the public interest due to concerns associated with runoff generated from impervious surfacing;**
- 2) Special conditions do exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship due to the fact that the site is located in a flood zone and impervious surfacing would contribute to storm water management issues; and**
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance in that the use of aggregate surfacing will prevent excess storm water from being diverted to either the street or adjacent properties.**

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The approval is subject to the following condition:

- 1) Subject to Engineering Comments (*If the aggregate surfacing is approved for use the applicant will need to have the following conditions met: 1. The handicapped parking spaces and the vehicular access to and from them must be paved (asphalt or concrete). 2. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting. 3. Submit a ROW Permit (ALDOT and City of Mobile) for any proposed work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW.*).

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 November 1, 2017, the **Surfacing Variance** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By: Marie York
Marie York, Planner II

cc: Dr. Ashley Bodie, DVM

/lr