



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

July 14, 2021

Byrd Surveying  
Gerald Byrd  
2609 Halls Mill Road  
Mobile, AL 36606

**Re: #6397**  
**(Case #BOA-001653-2021)**  
**Byrd Surveying, Inc.**  
**4575 Higgins Road**  
**(South side of Higgins Road, 370'± East of Cypress Business Park Drive)**

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

On July 12, 2021, the Board of Zoning Adjustment considered your request for **Surfacing and Residential Buffer Variance requests to allow gravel parking and maneuvering surfacing, and no residential buffer at a boat storage facility in a B-3, Community Business District; the Zoning Ordinance requires parking and maneuvering surfacing to be asphalt, concrete, or an approved alternative paving surface, and requires a residential buffer to adjacent residentially zoned properties in a B-3, Community Business District.**

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

- 1) Approving the variance will not be contrary to the public interest in that several other sites in the area have been granted similar variances;**
- 2) Special conditions exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship in that the adjacent residentially zoned property has been utilized commercially for a substantial amount of time; 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 a similar variance was granted for sites nearby.**

**The approval is subject to the following conditions:**

- 1) Revision of the site plan to clearly indicate the gate to the West of the building is an entry, and the gate on the East of the building is an exit;**
- 2) Revision of the site plan to illustrate bumper stops for each boat storage space;**

- 3) Obtain all necessary permits, including a barbed wire permit approved by the Executive Director of Build Mobile;
- 4) Full compliance with City of Mobile stormwater management regulations;
- 5) Subject to the Engineering comments: *(If the aggregate surfacing is approved for use the applicant will need to have the following conditions met: 1. Submit and receive a Land Disturbance Permit through Central Permitting for the proposed site development. 2. Aggregate surfacing will NOT be allowed within the public ROW. 3. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt).);*
- 6) Placement of Traffic Engineering comments on the site plan: *(No adverse traffic impacts anticipated by this surface variance request. The site should be limited to the existing curb cuts to Higgins Road. The existing asphalt driveways that remain are from a former residential home. They are in disrepair will require improvement for a commercial development.);*
- 7) Subject to the Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);*
- 8) Subject to the Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);*
- 9) Submission to and approval by Planning and Zoning of two (2) copies of a revised site plan (hard copy and .pdf) prior to any request for land disturbance or building permits; and
- 10) 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 12, 2022**, the variance will expire and become null and void.

For additional assistance call (251) 208-5895.

**4575 Higgins Road**

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Sincerely,

**BOARD OF ZONING ADJUSTMENT**

William Guess, Chairman

By: Marie York  
Marie York, Principal Planner