



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

April 5, 2023

Zach Vallee
James B. Donaghey
1770 Old Shell Road
Mobile, Alabama 36604

Re: #6507/4555/4428/4265/486/285
(Case #BOA-002424-2023)
James B. Donaghey, Inc.
1770 & 1776 Old Shell Road, and 120 Mobile Infirmery Boulevard
(Northeast corner of Old Shell Road and Mobile Infirmery Boulevard).

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

On April 3, 2023, the Board of Zoning Adjustment considered your request for a **Site Variance to amend a previously approved Site Variance to allow an addition to an existing commercial building in a B-2, Neighborhood Business District; the Zoning Ordinance limits commercial sites to the site plan approved by any previous variance in a B-2, Neighborhood Business District.**

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

- a) Approving the variance will not be contrary to the public interest in that the proposed expansion is in keeping with the existing business on site; and
- b) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance as it will not have a substantial impact on surrounding properties.

The Approval is subject to the following conditions:

- 1) compliance with the Engineering comments: (If the proposed variance is approved the applicant will need to have the following conditions met: 1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through the CSS Portal. 2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way. 3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.);

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- 2) truck gate entrance on Mobile Infirmary Boulevard to be open during business hours;
- 3) gate entrance on Old Shell Road to be only for passenger vehicle access and to be open during business hours;
- 4) obtaining of a building permit for the proposed addition;
- 5) submittal to and approval by Planning and Zoning of a revised site plan; and
- 6) full compliance with all other 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.

For further assistance, please call 251-208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By: _____



Margaret Pappas

Deputy Director of Planning and Zoning