



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

May 5, 2020

**Barton & Shumer Engineering, LLC**  
**David Shumer**  
**3213 Midtown St.**  
**Mobile, AL 36606**

**Re: #6318**  
**(Case #BOA-001229-2020)**  
**David Shumer**  
**5461 Kooiman Road**  
**(South side of Kooiman Road, 430'+ East of US Highway 90 West).**  
**Council District 4**

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

On May 4, 2020, the Board of Zoning Adjustment considered your request for a **Residential Buffer Variance to waive the construction of a buffer privacy fence along adjacent residentially-zoned properties for a memory care facility in a B-1, Buffer Business District; the Zoning Ordinance requires a residential buffer privacy fence along adjacent residentially-zoned properties for a commercial development in a B-1, Buffer Business District.**

**After discussion, the Board approved a Residential Buffer Variance with the following findings of facts:**

- 1) Approving the variance will not be contrary to the public interest as the properties which stand to be most affected by the request are either undeveloped or utilized for agricultural uses;
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the surrounding area is primarily undeveloped, wooded, or agriculturally used land.

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

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- 1) Provision of a compliant off-street parking buffer along the appropriate portion of the Western property line where the proposed parking area abuts the residentially zoned property to the West, at such time said property to west is occupied residentially; and
- 2) 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.

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 5, 2020, the **Residential Buffer Variance** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

**BOARD OF ZONING ADJUSTMENT**

William Guess, Chairman

By:

B. Hoffman/SML

Bert Hoffman

Principal Planner