



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

June 4, 2015

Y'all, LLC
744 Museum Drive
Mobile, AL 36608

Re: #5971/3540
(Case #ZON2015-01004)
Y'all, LLC
4219 Moffett Road
(South side of Moffett Road, 200'± East of Carre Drive East).

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

On June 1, 2015, the Board of Zoning Adjustment considered your request for **Surfacing, Residential Buffer and Reduced Landscaping Variances** to allow gravel parking and maneuvering surfacing, residential buffering along only 186' of the western lot line and 1,938± square feet of frontage landscaping in an R-1, Single-Family Residential District (a request for rezoning to B-1, Buffer Business District has been submitted for Planning Commission consideration) at the above referenced location.

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

- 1) Approving the variance will not be contrary to the public interest due to the fact that the site has been utilized commercially since 1979 in its current configuration;
- 2) Special conditions do exist with this site as the site is narrow and deep, making an increased amount of landscape area required, despite the fact only the front portion of the site is developed, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the variance due to the fact that the site was developed prior to the Zoning Ordinance's current requirements of landscape areas.

The application is recommended for approval, subject to the following conditions:

- 1) revision of the site plan to either include a note stating that curb-side pickup will be utilized or illustrate a dumpster enclosure with sanitary sewer connection compliant with Section 64-4.D.9. of the Zoning Ordinance;
- 2) compliance with Engineering comments (*If the aggregate surfacing is approved for use the applicant will need to have the following conditions met: Submit and receive a TIER 2 Land Disturbance Permit for the proposed site development through Central Permitting. Submit a ROW Permit (ALDOT and City of Mobile) for the work within the Moffett Road ROW. Aggregate surfacing will NOT be allowed within the Moffett Road ROW; only pavement will be allowed.*);
- 3) compliance with Traffic Engineering comments (*If the surface variance is approved, bumper stops should be included on the gravel surface for any required parking space. The owner/developer is responsible for ADA accessibility to the building, which may require asphalt/concrete surface for the designated space(s) and the path to the building. Gravel surface shall not extend into the ROW, and any changes in the ROW will require ALDOT approval.*);
- 4) submittal of two (2) revised site plans to the Planning Division prior to obtaining permits; and
- 5) 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 December 1, 2015, the **Surfacing, Residential Buffer and Reduced Landscaping Variances** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By: 
Bert Hoffman, Planner II

cc: Byrd Surveying, Inc.

/lw