



THE CITY OF MOBILE, ALABAMA
BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

April 13, 2017

Stephen L. Zito, Jr., A.I.A.
Zito Russell Architects, P.C.
820 S. University Blvd. Suite 2G
Mobile, AL 36609

Re: #6100/1872/71
(Case #BOA-000018-2017)
Stephen L. Zito, AIA
944 Conti Street
(Northeast corner of Conti Street and Common Street).

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

On April 3, 2017, the Board of Zoning Adjustment considered your request for a **Use, Surfacing, and Access/Maneuvering Variances** to allow a church with gravel and grass parking and drives with parking that backs out into the right-of-way in an R-1, Single Family Residential District; the Zoning Ordinance requires Planning Approval for a church in an R-1, Single Family Residential District with all parking and drives to be paved with asphalt or concrete and all maneuvering areas to be located on private property at the above referenced location.

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

- 1) Based on the fact that a hardship was presented, granting the variance will not be contrary to the public interest since other church and religious facilities located within the vicinity of the subject site have been granted similar use and site variance requests in the past;
- 2) Special conditions appear to exist and there are justifications of hardship which exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the site cannot be utilized and/or modified without the requirement for variances; and

- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance as the small size of the congregation, the minimal days and hours of operation, as well as the continued use of the existing building in a non-residential capacity coincide with the general character of the surrounding neighborhood.

The application Approval is subject to the following conditions:

- 1) Provision of a to-scale site plan to Planning and Zoning Staff; and
- 2) 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 October 3, 2017, the **Use, Surfacing, and Access/Maneuvering Variances** 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: Rowe Engineering & Surveying, Inc.

/lr