



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

April 6, 2018

MTC Logistics of Alabama, LLC
C/O Maynard Cooper & Gale
11 N. Water Street, Suite 24290
Mobile, AL 36602

Re: #6170
(Case #BOA-000455-2018)
MTC Logistics of Alabama, LLC
301 Yeend Street
(Southwest corner of Yeend Street and Baker Street.)

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

On April 2, 2018, the Board of Zoning Adjustment considered your request for a **Tree Planting Location Variance to allow no frontage trees to be planted along the street frontage, and Tree Quantity Variance to allow a reduced number of trees to be planted on a site in an I-2, Heavy Industry District** at the above referenced location.

After discussion, the Board determined the following findings of fact for Approval of the Tree Planting Location request:

- 1) Approving the variance will not be contrary to the public interest in that the planting of the required frontage trees would interfere with perimeter security access and visibility;**
- 2) Special conditions (the site is proposed to handle cargoes which could be vulnerable to security threats) exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship with respect to security maintenance; 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 an alternative tree planting plan has been proposed by the applicant.**

The approval is subject to the following conditions:

- 1) the provision of heritage tree plantings within the interior of the site equal to the number ordinarily required along the public street frontages;
- 2) revision of the site plan to provide 67 interior heritage tree plantings;
- 3) coordination with the Arborist/Urban Forester to select 37 overstory and 30 understory trees for placement on the site; and
- 4) full compliance with all other municipal codes and ordinances.

After discussion, the Board determined the following findings of facts for the Denial of the Tree Quantity request:

- 1) Approving the variance will be contrary to the public interest in that the site appears to provide sufficient interior area in which to plant 67 heritage trees in mitigation for the lack of frontage trees;
- 2) Special conditions (the site does not afford ample area for interior tree planting) do not exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance since approving the variance will set a precedence for other businesses to seek similar tree planting requests.

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 2, 2018, the **Tree Planting Location Variance** 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
Principal Planner

cc: Alabama State Port Authority
Thompson Engineering