



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

November 8, 2022

Chris Lieb
Lieb Engineering Company
1290 Main Street
Suite E
Daphne, Alabama 36526

Re: #6479/5492
(Case #BOA-002239-2022)
Cynthia Carter
631 Azalea Road
(North side of Azalea Road, 390'± West of Village Green Drive).

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

On November 7, 2022, the Board of Zoning Adjustment considered your request for a **Use and Parking Variances to allow a single-family dwelling on the ground floor and no required parking for a dog day care in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow a single-family dwellings on the ground floor and requires full compliance with parking requirements for a dog day care in a B-2, Neighborhood Business District.**

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

- 1) Approving the variance will not be contrary to the public interest in that it is in keeping with the character of the area as well as previous approvals;**
- 2) Special conditions may exist in such a way 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.**

The approval is subject to the following conditions:

- 1) Approval of the associated Planning Approval and Planned Unit Development applications;**
- 2) Revision of the site plan to depict any changes as required by approval of the associated Planning Approval and Planned Unit Development applications;**
- 3) Compliance with Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts***

1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit. Preservation status should be granted to the 44" Live Oak tree along the South of the site. The applicant should coordinate with Urban Forestry staff to insure the proposed development will not negatively impact the health of the tree.);

- 4) Compliance with Fire comments:** *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.); 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 **May 7, 2023**, the variance will expire and become null and void.

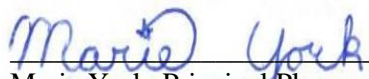
For further assistance, please call 251-208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:


Marie York, Principal Planner