



THE CITY OF MOBILE, ALABAMA
BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

January 10, 2020

David Shumer
3213 Midtown Park S.
Mobile, AL 36606

Re: #6303/4795
(Case #BOA-001162-2019)
David Shumer
4875 Tufts Road
(East side of Tufts Road, 300'± South of Furman Drive).
Council District 4

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

On January 6, 2020, the Board of Zoning Adjustment considered your request for a **Use, Access, Multiple Buildings and Surfacing Variances** to amend a previously-approved Use Variance to allow the expansion of a mechanical equipment manufacturing operation, with shared access across multiple properties with multiple buildings, and aggregate surfacing for maneuvering and parking, and a laydown area in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow a mechanical equipment manufacturing operation with shared access across multiple properties with multiple buildings, and requires all maneuvering and parking surfaces to be paved in asphalt, concrete or an approved alternative paving surface, and does not allow a laydown area in an R-1, Single-Family Residential District at the above referenced location.

After discussion, the Board determined the following findings of fact for Approval of the Use, Access, Multiple Buildings and Surfacing Variance requests:

- 1) Approving the variances will not be contrary to the public interest in that the use and multiple buildings on the site would be a continuation of the previously-approved Use Variance, and the Access and Surfacing requests are necessitated by the fact that the site cannot be reviewed under normal commercial and industrial development standards;
- 2) Special conditions were illustrated 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 be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the use will not change, the proposed parking and laydown area expansion will not encroach near adjacent residentially-used properties, and no new buildings are proposed outside of the existing developed area.

The approval is subject to the following conditions:

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- 1) full compliance with frontage tree planting requirements along Tufts Road;
- 2) obtaining of after-the-fact permits for all improvements made to the property since 2000;
- 3) full compliance with the Engineering comments: *[USE VARIANCE: If the VARIANCE is approved for use the applicant will need to have the following conditions met: 1. Submit and receive a Land Disturbance Permit through Central Permitting for any proposed site development. 2. Submit a ROW Permit for the work within the Public ROW. SURFACING VARIANCE: If the aggregate surfacing is approved for use the applicant will need to have the following conditions met: 1. Submit and receive a Land Disturbance Permit through Central Permitting for the proposed site development. 2. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 3. Submit a ROW Permit for any site work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW. 4. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt)];*
- 4) full compliance with the Traffic Engineering comments: *(If the surface variance is approved, it should be contingent upon the construction of a proper asphalt or concrete driveway within the right-of-way and any gravel in the right-of-way to be removed.);*
- 5) compliance with the 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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.];*
- 6) full compliance with the Fire Department 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).];*
- 7) 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 July 6, 2020, the **Use, Access, Multiple Buildings and Surfacing 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
Principal Planner

cc: ARCRE Holdings, LLC