



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

May 3, 2023

Casey Pipes
Helmsing Leach
Post Office Box 2767
Mobile, Alabama 36652

Re: #6515
BOA-SE-002483-2023
5761 U.S. Highway 90 West
TVH Properties, LLC (Casey Pipes, Agent)
District 4

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

On May 1, 2023, the Board of Zoning Adjustment considered your request for **Special Exception and Frontage Landscaping Variances** to allow the expansion of an existing veterinary hospital with outside runs, and to allow reduced frontage landscaping area, in a B-3, Community Business District; the Unified Development Code (UDC) requires a Special Exception to allow outside runs, and full compliance with the landscaping requirements in a B-3, Community Business District.

After discussion, the Board made the following findings of fact for approval of the landscaping variance:

- 1) The variance will not be contrary to the public interest, as there will be no changes as it relates to the existing curb cuts;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) The spirit of the chapter shall be observed, and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

After discussion, the Board made the following findings of fact for approval of the Special Exception:

- a) The proposed use is in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- b) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- c) The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the Applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness and commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this Chapter, and other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the Applicant.
- d) The proposed use is consistent with all applicable requirements of this Chapter,
- e) The proposed use is compatible with the character of the neighborhood within the same zoning district in which it is located;
- f) The proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district; and
- g) The proposed use will have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- h) The site is designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
- i) The site is designed to minimize the impact on storm water facilities;
- j) The use will be adequately served by water and sanitary sewer services;
- k) The use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke, or gas; and

- 1) The use will not be detrimental or endanger the public health, safety or general welfare.**

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 **November 1, 2023**, the variance will expire and become null and void.

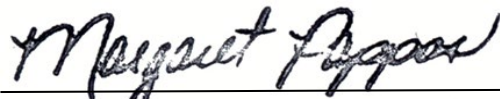
For further assistance, please call 251-208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By: _____



Margaret Pappas

Deputy Director of Planning and Zoning