



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

December 5, 2014

Angela Nicholson
1300 Dr. Martin Luther King Avenue
Mobile, AL 36603

Re: #5935
(Case #ZON2014-02374)
Angela Nicholson
1300 Dr. Martin Luther King Jr. Avenue
(Northwest corner of Live Oak Street and Dr. Martin Luther King Jr. Avenue).
Parking Ratio, Tree Planting and Landscaping Area Variances to allow a 3,232 square foot commercial/ restaurant building with no parking spaces and no tree plantings or landscaping in an B-2, Neighborhood Business District

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

On December 1, 2014, the Board of Zoning Adjustment considered your request for **Parking Ratio, Tree Planting and Landscaping Area Variances to allow a 3,232 square foot commercial/ restaurant building with no parking spaces and no tree plantings or landscaping in an B-2, Neighborhood Business District** at the above referenced location.

After discussion, the Board approved the request for **Parking Ratio Variance**, finding that:

- 1) Based on the fact that there historically has been little to no parking available for the existing commercial buildings along Dr. Martin Luther King, Jr. Avenue, the variance will not be contrary to the public interest;
- 2) Special conditions exist, including the fact that there is no room on the site to accommodate any parking, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance because it will ensure that a viable commercial use will occupy what might otherwise become a vacant, blighted building.

After discussion of the request for Tree Planting and Landscaping Area Variances, the Board approved the request, finding that:

- 1) Based on the fact that the building has existed on the site since at least the 1960s and there is little to no existing green space available due to the existing building and sidewalks, the variance will not be contrary to the public interest;
- 2) These special conditions exist, including the fact that the site is nearly entirely covered by the existing building and sidewalks, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance as it will allow an existing building that has been part of the fabric of the community to continue to be available for commercial use.

The approval is subject to the following conditions:

- 1) Full compliance with all other municipal codes and ordinances, including any applicable building and fire codes.

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 June 1, 2015, the **Parking Ratio and Tree Planting and Landscape Variances** 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, Planner II

cc: Elyric N. Singleton
Leona L. Singleton
PCDA Architecture

/lw