



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

April 5, 2023

Artious Walker
267 Dauphin Street
Mobile, Alabama 36602

Re: #6510
(Case #BOA-002451-2023)
Box Owt LLC (Artious Walker, Agent)
263 and 267 Dauphin Street
(South side of Dauphin Street, 43'± East of South Jackson Street).

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

On April 3, 2023, the Board of Zoning Adjustment considered your request for **Materials, Transparency, Mechanical Equipment Screening, and Frontage Type Variances to allow metal siding, reduced transparency and security bars, no mechanical equipment screening, and a non-compliant frontage type; the Unified Development Code does not allow metal siding, requires compliant transparency, prohibits security bars, requires mechanical equipment screening, and requires a compliant frontage type.**

After discussion, the Board determined the following Findings of Fact for Approval of variances from *Section 10.B.3.(c)* [security bars/fence/gate] and *Section 10.C.4.(e)* [Pedestrian Forecourt frontage type] of Appendix A of the Unified Development Code:

- a) The variance will not be contrary to the public interest;
- b) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- c) The spirit of the chapter shall be observed, and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

The Approval is subject to the following conditions:

- 1) Prior to any request for a Temporary Certificate of Occupancy, submittal of architectural drawings to Permitting which reflect the rendering submitted to the Board of Adjustment (page 14 of 16 in the staff report), as well as the approval granted by the Consolidated Review Committee [*which includes screening of mechanical equipment on each pod, stucco over the metal siding for the pods and facade, glazing in the 'shipping container doors' and the provision of a window in the pod on the right side facing Dauphin Street, as shown in the rendering*];

April 5, 2023

Page 2 of 2

- 2) If fencing or gates are proposed as part of the final product façade, accurate depiction on the architectural drawings submitting to Permitting; and
- 3) Clear delineation of phasing on architectural drawings, indicating what will be completed for an initial Temporary Certificate of Occupancy versus the Final Certificate of Occupancy, with all work to be completed within 12 months of the date of the Board's approval.

Please note that the approval of the Board does not relieve the applicant from compliance with **Building Code, Fire Code, Architectural Review Board** nor any other City Code requirements.

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.

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