



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

December 5, 2014

Caracher Small, Jr.
950 S. Broad Street
Mobile, AL 36603

Re: #5936/ 5688
(Case #ZON2014-02415)
Caracher Small Jr.
953 Marine Street
(Southeast corner of Marine Street and Kentucky Street).

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

On December 1, 2014, the Board of Zoning Adjustment considered your request for **Use Variance to allow a reception hall associated with an adjacent funeral home in a R-1, Single-Family Residential District** at the above referenced location.

After discussion, the Board approved the request, finding that:

- 1) Approving the variance request will not be contrary to the public interest given the commercial nature of the site and if precautions are undertaken to limit the hours of operation and number of operating days per week;
- 2) Special conditions appear to exist, including the current site conditions and R-1 zoning, 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 with the provision of necessary waste disposal facilities.

The approval is subject to the following conditions:

- 1) Use of the facility to be limited only to the adjacent mortuary business;
- 2) Hours of operation not to exceed 8:00 P.M.;
- 3) Facility's use to be limited to a maximum 3 days per week;
- 4) Full compliance with the dumpster requirements in Section 64-4.D.9. of the Zoning Ordinance, or removal of the dumpster from the site;

- 5) Provision of a compliant tree and landscape plan at time of any land disturbance request for the facility;
- 6) Revision of the site plan to illustrate to depict a compliant number of accessible spaces adjacent to the proposed facility, and design compliance with the requirements of the ADA, in accordance to the applicable building code section 1106 (and 2010 ADA Standards for Accessible Design);
- 7) Modification of existing site lighting, through redirection and/or shielding, to not shine onto any adjacent residences;
- 8) All new lighting on the site to comply with the requirements of Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance;
- 9) Compliance with Traffic Engineering comments: (With the restriction of use to be only associated with the adjacent mortuary service, no additional traffic impacts anticipated by this variance request.);
- 10) Compliance with Fire Department comments: (All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);
- 11) Obtainment of a demolition permit for the removal of the structure, prior to any requests for new construction;
- 12) Submission of a revised site plan to the Planning Division of the Urban Development Department; and
- 13) Full compliance with 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 **Use Variance** 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: Byrd Surveying, Inc.

/lw