



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

June 9, 2017

New Hope Baptist Church  
1272 Pecan Street  
Mobile, AL 36603

**Re: #6113/5895/5797/5726**  
**(Case #BOA-000104-2017)**  
**New Hope Baptist Church**  
**1270 & 1272 Pecan Street, 605 & 608 Live Oak Street, 1257, 1259, 1261 & 1263 Persimmon Street**  
(Northeast corner of Pecan Street and Live Oak Street extending to the Southeast corner of Live Oak Street and Persimmon Street; and West side of Live Oak Street, 120'± South of Persimmon Street.)

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

On June 6, 2017, the Board of Zoning Adjustment considered your request for a **Tree Planting Variance to reduce the number of frontage heritage trees required for a church in an R-2, Two-Family Residence District** at the above referenced location.

**After discussion, the Board determined the followings findings of fact for Approval:**

- 1) Based on the fact that this same request has been granted to the applicant three times previously, the variance will not be contrary to the public interest;**
- 2) These special conditions (lack of sufficient area to plant overstory trees within close proximity to the building) exist 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 in that all other tree planting requirements will be met and the total number of required trees planted will still be met.**

The approval is subject to the following conditions:

- 1) coordination with Urban Forestry for the frontage tree planting requirements of the Ordinance to allow the planting of understory trees instead of overstory trees within the location of the building;
- 2) revision of the site plan to specify Live Oak trees as the heritage trees along Live Oak Street, Pecan Street, and Persimmon Street due to the presence of overhead power lines;
- 3) submittal of three (3) copies of a revised site plan showing required revisions prior to the submittal of plans for building permitting; and
- 4) 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 December 5, 2017, the will expire and the **Tree Planting Variance** become null and void. For additional assistance call (251) 208-5895.

Sincerely,

**BOARD OF ZONING ADJUSTMENT**

William Guess, Chairman

By:



Richard Olsen

Deputy Director of Planning & Zoning

cc: Arthur Caffey  
Wattier Surveying, Inc.

/lw