



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

October 9, 2014

Felder Holdings, LLC
P. O. Box 70171
Mobile, AL 36670

Re: **#5923**
(Case #ZON2014-01928)
Felder Holdings, LLC
220 Furr Street
(Southeast corner of Furr Street and Old Carline Street).

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

On October 6, 2014, the Board of Zoning Adjustment considered your request for **Use, Access/Maneuvering, Parking, Tree Planting, and Landscape Variances to allow a 12,400 square foot fitness center, office and warehouse, 28 parking spaces with nose-in/back-out within a right-of-way and reduced tree plantings and landscape area in an R-1, Single-Family Residential District** at the above referenced location.

A revised site layout with a compliant number of parking spaces was submitted by the applicant and, as such, the Parking Variance request is no longer necessary. Based upon the preceding, the Board made the following findings of fact for approval of the Use, Access/Maneuvering, and Tree and Landscape variance requests:

- 1) Approving the variance requests will not appear to be contrary to the public interest due to the fact that the building and the majority of the site has been used commercially since the 1960's;
- 2) Special conditions exist, including the current site's configuration, 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 due to the fact that the applicant will improve the site and will be required to provide residential buffering, will have paved and compliant parking, will provide trees and landscaping, and will have similar type uses as previously used on this property.

The approval is subject to the following conditions:

- 1) Revision of the site plan to depict the square footage of the building (1st & 2nd floor);
- 2) Placement of a note on the site plan stating that garbage collection will be via curb-side pickup;
- 3) Placement of a note on the site plan stating that the proposed privacy fencing is not to exceed 3' in height within the 25' minimum building setback Old Carline Street;
- 4) Placement of a note on the revised site plan stating: *(All buildings and facilities, including parking facilities, shall be designed and constructed to be accessible in accordance with the 2009 IBC and 2003 ICC/ANSI A117.1, as applicable. All accessible parking spaces must be a minimum of 9 feet in width, as required by the Zoning Ordinance.);*
- 5) Revision of the site layout to reflect accessibility comments, if necessary;
- 6) Submission of a revised site plan to the Planning Division of the Urban Development Department, prior to any request for land disturbance;
- 7) Approval limited to the revised site plan, to include all proposed parking areas, trees and landscaping;
- 8) Obtaining of land disturbance, right-of-way, tree removal and building-related permits, as appropriate; and
- 9) Compliance with all applicable 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 April 6, 2015, the **Use, Access/Maneuvering, and Tree and Landscape Variances** will expire and become null and void. For additional assistance call (251) 208-5895.

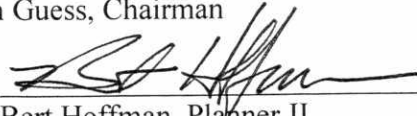
For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By: _____


Bert Hoffman, Planner II

cc: Clark, Geer, Latham & Associates, Inc.

/lw