



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

July 14, 2017

Costorde LLC
9764 Whithorn Drive
Houston, TX 77095

Re: #6121/6045
(Case #BOA-000137-2017)
Fikes Wholesale Inc. (Costorde LLC, Authorized Agent)
2704 Spring Hill Avenue
(Northwest corner of Spring Hill Avenue and Mobile Street).

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

On July 10, 2017, the Board of Zoning Adjustment considered your request for a **Side Street Side Yard Setback and Frontage Tree Variances to allow an ATM to encroach into the required 20' side street side yard setback and reduced frontage trees in a B-3, Community Business District** at the above referenced location.

After discussion, the Board determined the following findings of facts for approval for the Side Street Side Yard Setback Variance request:

- 1) Approving the variance request will not be contrary to the public interest because the proposed setback and small size of the ATM structure will be sufficient to minimize potential public safety concerns;
- 2) Special conditions exist, including the fact that right-of-way dedication has reduced the buildable site area, and the design of the site limits viable locations for the proposed ATM, 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 site will essentially be improved to modern safety and design standards.

The approval is subject to the following conditions:

- 1) placement of bollards along the curbing edge to prevent vehicular collision with the ATM;
- 2) obtaining of permits for any signage on the ATM; and,
- 3) full compliance with all other municipal codes and ordinances.

After discussion, the Board determined the following findings of facts for approval for the Frontage Tree Variance request:

- 1) Approving the variance request will not be contrary to the public interest because the proper operation and maintenance of the detention facility provides a much greater public benefit than it would otherwise provide if trees were planted in the detention facility;
- 2) Special conditions exist, including the necessity to locate the detention facility at the lowest point of the site near the required outfall, thus eliminating the area needed to also plant required frontage trees, 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 detention pond will be more easily maintained in a fully operational condition, thus reducing area flooding, and the applicant will donate the required trees to the Tree Bank for planting elsewhere.

The approval is subject to the following conditions:

- 1) donation of six (6) trees to the Tree Bank; and,
- 2) full compliance with all municipal codes and ordinances.

Please note that a Tree Bank donation is \$ 200.00 per tree, and is payable only by check to the "Mobile Tree Commission." The payment should be provided to the Planning & Zoning Department prior to any requests for final site inspections.

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 January 10, 2018, the **Side Street Side Yard Setback and Frontage Tree 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
Principal Planner

cc: Infinity Engineering Group, LLC

/lr



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

July 14, 2017

Costorde LLC
9764 Whithorn Drive
Houston, TX 77095

Re: #6122/6121/6045
(Case #BOA-000138-2017)
Fikes Wholesale Inc. (Costorde LLC, Authorized Agent)
2704 Spring Hill Avenue
(Northwest corner of Spring Hill Avenue and Mobile Street).

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

On July 10, 2017, the Board of Zoning Adjustment considered your request for a **Sign Variance to allow a total of six (6) signs for a single business site including digital gas pricers within 300' of residentially-zoned property in a B-3, Community Business District** at the above referenced location.

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

- 1) Approving the variance will not be contrary to the public interest in that the digital sign regulations are not, in the Board's opinion, applicable to fuel price signs;**
- 2) Special conditions exist, and there are hardships which exist, in that the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs, such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and,**
- 3) The spirit of the chapter shall be observed and substantial justice done to the surrounding neighborhood by granting the variance because the proposed digital fuel price signs will not be a detriment to the neighborhood.**

Therefore, the pylon-mounted digital pricer sign request is recommended for approval, subject to the following conditions:

- 1) obtaining of a sign permit;**
- 2) obtaining of an electrical permit; and,**

- 3) full compliance with all other municipal codes and ordinances.

Staff recommends to the Board the following finding of facts for Approval of the request to allow a total of six (6) signs:

- 1) Approving the variance will not be contrary to the public interest in that the site is located at an intersection where additional signage is needed to inform the public about the opportunity to make a safe turn into the subject site;
- 2) Special conditions do exist and there are hardships which exist that make the placement of six (6) signs necessary due to the site having two street frontages; and,
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the proposed signage is similar to that of other convenience stores in the area, and a similar variance was previously approved for the subject site.

The approval for the six (6) signs is subject to the following conditions:

- (1) obtaining a sign permit for each sign;
- (2) obtaining an electrical permit for each illuminated sign; and,
- (3) full compliance with Section 64-11 of the Zoning Ordinance and 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.

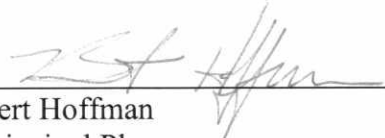
No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before January 10, 2018, the **Sign Variance** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:


Bert Hoffman
Principal Planner

cc: Infinity Engineering Group, LLC
/lr