



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

September 17, 2021

Christopher Lieb
Lieb Engineering Company, LLC
690 Zeigler Circle
Mobile, AL 36608

Re: #6418
(Case #BOA-001749-2021)
Robert McCollum
690 Zeigler Circle East
(East side of Zeigler Circle East, 590'± South of Zeigler Boulevard).

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

On September 13, 2021, the Board of Zoning Adjustment considered your request for **Landscaping, Frontage Tree Planting, Perimeter Tree Planting, and Parking Surface Variances** to allow no landscaping, no frontage tree plantings, no perimeter tree plantings, and an aggregate parking surface in a B-3, Community Business District; the Zoning Ordinance requires full compliance with landscaping, frontage tree planting and perimeter tree planting requirements, and requires parking surfaces to be paved with asphalt, concrete, or an approved alternative paving surface in a B-3, Community Business District.

After discussion, the Board determined the following Findings of Fact for Approval of the requests:

- 1) **Approving the variance requests will not be contrary to the public interest due to the fact that sufficient area does not exist to provide the required area for frontage tree plantings;**
- 2) **Special conditions exist, such as the fact that the existing portion of the over-all site was developed prior to annexation and being subject to the City's site development standards, such that a 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 shall be done to the applicant and the surrounding neighborhood by granting the variances because the requests would still allow for some degree of site compliance.**

ROBERT MCCOLLUM

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The approvals are subject to the following conditions:

- 1) coordination with staff on donation to the Mobile Tree Bank for any shortage of trees which cannot be planted due to site constraints; and**
- 2) full compliance with all 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 **February 2, 2022**, the variance will expire and become null and void.

For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:



Marie York, Principal Planner