



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

May 6, 2020

John G. Walton Construction, Inc
1806 Wolfridge Road
Mobile, AL 36618

Re: #6324

(Case #BOA-001258-2020)

John G. Walton Construction Co., Inc. and City of Mobile Baltimore Street

(South side of Baltimore Street extending to the North side of Heustis Street, 338'± West of the intersection of Gayle Street and Baltimore Street).

Council District 3

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

On May 4, 2020, the Board of Zoning Adjustment considered your request for a **Use, Surfacing, and Tree and Landscaping Variances to allow the temporary use of the property for an office trailer and construction lay-down yard, to waive tree planting and landscape requirements, and to allow the use of gravel as an alternative parking surface in an R-1, Single-Family Residential District; the Zoning Ordinance requires compliant tree planting and landscaping for all new commercial development, limits properties in R-1 districts to residential use only, and does not allow gravel as an alternative parking surface in an R-1, Single-Family Residential District.**

After discussion, the Board approved a Use, Surfacing, and Tree and Landscaping Variances with the following findings of fact:

- 1) Approving the variance will not be contrary to the public interest in that it will allow a contractor to use a currently vacant property to perform a project for the City of Mobile to improve infrastructure for local residents;
- 2) Special conditions exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship in that there are a limited number of alternative sites available that are close to the work to be performed, and large enough to accommodate storage of equipment and materials; 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 site will only require variances temporarily, and will then be returned to its existing state.

The approval is subject to the following conditions:

- 1) Approval is valid for an initial period of two-years, with extensions required if additional time is required;
- 2) Hours of operation a limited to between 7 AM and 5 PM;
- 3) Within 60 days of completion of the associated project, the site will be returned to its current status, to include: removal of the project trailer, removal of all gravel or other surfacing materials used, removal of any chain link fence, placing of sod, etc;
- 4) Revision of the site plan to indicate what surfacing material will be used for the laydown yard;
- 5) Revision of the site plan to illustrate a compliant residential buffer abutting residential properties;
- 6) Revision of the site plan to comply with accessible parking spaces and associated surfacing, as appropriate and if required;
- 7) subject to the Engineering comments: *[1. Submit and receive a Tier 2 Land Disturbance Permit for the proposed site development before beginning any site work. 2. Submit a ROW Permit (City of Mobile) for any work within the public ROW. Aggregate surfacing is NOT allowed to be placed within the public ROW.];*
- 8) subject to the Urban Forestry comments: *[Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.];*
- 9) subject to the Fire Department comments: *[All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code).];*
- 10) submission to and approval by Planning and Zoning of two (2) copies of a revised site plan prior to any request for land disturbance or building permits; and
- 11) 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 November 5, 2020, the **Use, Surfacing, and Tree and Landscaping Variance** will expire and become null and void. For additional assistance call (251) 208-5895.

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Sincerely,

BOARD OF ZONING ADJUSTMENT
William Guess, Chairman

By: Margaret Pappas / SMC
Margaret Pappas
Deputy Director of Planning and Zoning