



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

****CORRECTED****

November 10, 2016

Dr. Jack Carney
2054 Old Shell Road
Mobile, AL 36608

Re: #6063
(Case #ZON2016-01971)
Dr. Jack Carney
5054 Old Shell Road
(Northeast corner of Old Shell Road and Border Drive East)

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

On November 7, 2016, the Board of Zoning Adjustment considered your request for a **Use, Surfacing, and Front Landscape Area Variance** to allow a **clinical psychologist office with aggregate surfacing and reduced frontage landscape area in an R-1, Single-Family Residential District**; the **Zoning Ordinance** requires a minimum of a **B-1, Buffer Business District** for a **clinical psychologist office**, that all parking be paved with **concrete, asphaltic concrete, or asphalt**, and full compliance with **landscape area requirements** at the above referenced location.

After discussion, the Board determined the following findings of facts for Approval for the Use and Surfacing Variances:

- 1) **approving the variance will not be contrary to the public interest in that the subject site has been commercially utilized since at least 1980;**
- 2) **special conditions do exist and there are hardships which exist in that the use of impermeable surfacing for parking would exacerbate the existing storm water issues; 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 use as a clinical psychologist office is less intense than that of the previous business, an automotive mechanic.**

The approval is subject to the following conditions:

- 1) provision of a compliant residential buffer;
- 2) full compliance with tree planting and landscape area requirements;
- 3) compliance with Traffic Engineering requirements (*Site is limited to one curb-cut to Border Drive East with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Redevelopment of the site should include the removal of the continuous curb cut on Old Shell and around to its terminus on Border Drive East. Sidewalk construction should be required along Old Shell Road to tie into a previous city sidewalk project on its east and west side. Aggregate surface, if approved, should be designated with bumper stops to mark spaces and prevent parking in landscape areas. Handicap parking space and adjacent aisle must be solid surface (concrete or asphalt) to meet ADA requirements.*);
- 4) removal of the freestanding sign in the right-of-way;
- 5) provision of curbing or similar material to maintain the aggregate surfacing within the parking area; and
- 6) full compliance with all other municipal codes and ordinances.

The front landscape area request is unnecessary, thus is moot.

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 May 7, 2017, the **Use and Surfacing Variances** 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
Marie York, Planner II

cc: Polysurveying & Engineering

/lr