



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

February 3, 2016

E Square, LLC
3070 Dog River Road
Theodore, AL 36582

Re: #6027/5706/1048
(Case #ZON2016-00024)
E Square, LLC
2724 Old Shell Road
(Northeast corner of Old Shell Road and Bay Shore Avenue).

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

On February 1, 2016, the Board of Zoning Adjustment considered your request for **Parking Ratio, Front Setback, Side Street Side Yard Setback, and Tree Planting Variances** to allow an existing 12,641 square-foot structure that is within 22 feet from the front property line and within zero feet (and extends into the right-of-way) of the side property line, to be converted into a retail business and restaurant and construction of 44 new parking spaces with reduced frontage tree plantings in a B-2, Neighborhood Business District (rezoning pending) at the above referenced location.

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

- 1) Granting the variances will not be contrary to the public interest because the proposed reuse of a long vacant building will reduce the potential for blight within the adjacent community;
- 2) Special conditions exist with the property itself, including the existence of the building up to and across the property line along Bay Shore Avenue and the existing parking within the right-of-way, 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 requested variances, as the other improvements to the site, including the construction of a new parking lot, will comply with all other City requirements.

The Approval is subject to the following conditions:

- 1) subject to obtaining a Right-of-Way Use Agreement with the City of Mobile for the parking within the Bay Shore Avenue right-of-way;
- 2) subject to obtaining a Non-Utility Right-of-Way Use Agreement with the City of Mobile for the structure within the Bay Shore Avenue right-of-way;

- 3) compliance with Engineering comments (*If the proposed side yard setback variance is approved for use, the applicant will need to have the following conditions met: 1. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.);*
- 4) compliance with Traffic Engineering comments (*Each lot is limited to one curb cut per street frontage, with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. The existing parking area in the right-of-way, if approved, would be excluded from the curb cut restriction and may remain as approved. Any new on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.*);
- 5) compliance with Fire 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)); and*
- 6) full compliance with 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 August 1, 2016, the **Parking Ratio, Front Setback, Side Street Side Yard Setback, and Tree Planting 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 Cross
Marie Cross, Planner II

cc: Grant & David Harkness
Margaret Harkness
Frank A. Dagley & Associates, Inc.

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