



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

March 9, 2020

Brian Ward, DocRx
4636 Bit & Spur Road, Suite A
Mobile, AL 36608

Re: #6312
(Case #BOA-001205-2020)
Brian Ward
3805 Spring Hill Avenue
(Southeast corner of Spring Hill Avenue and North McGregor Avenue).

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

On March 2, 2020, the Board of Zoning Adjustment considered your request for a **Front Setback, Building Frontage, Shading of Sidewalk, Increased Parking, and Garden wall Variances** to allow a structure to be setback more than 12-feet from the front property line(s), occupying less than 70% of the lot frontage, providing no shading of the sidewalk, parking exceeding 20% of the minimum required parking, and a six-foot tall garden in a front yard; the Zoning Ordinance requires a structure be built to the front property line or within 12-feet of the front property line, a minimum building frontage of 70%, that the sidewalk be shaded, parking not exceeding 20% of the minimum required parking, and that a fence or wall in the first 25-feet cannot exceed 3-feet in height in Neighborhood Center Subdistrict of a Traditional Center District.

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

- 1) Approval of the variances will not be contrary to the public interest as the provision of 65 parking spaces will provide the minimum needed for the employees at the site without creating a parking issue for the surrounding neighborhood;
- 2) Special conditions appear to exist due to the very large radius such that a literal enforcement of the Ordinance would results in an unnecessary hardship in developing a fully TCD compliant building;
- 3) The spirit and the intent of the Ordinance shall be observed as the applicant is seeking to comply with the TCD standards while developing the property in accordance with the needs of the proposed business.

The approval is subject to the following conditions:

- 1) Provision of the garden wall as referenced in the application with approval by Traffic Engineering;
- 2) Full compliance with the Engineering Comments: *(1) The proposed improvements shown on the submitted plans will require a Land Disturbance Permit; and 2) 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.)*
- 3) Full compliance with Traffic Engineering Comments: *(The site is located on the intersection of McGregor Avenue and Spring Hill Avenue. The location of the proposed 6' tall garden wall was not identified on the Site Plan provided. According to other documents submitted to support the application, the applicant has agreed to locate the garden wall a minimum of 12' behind the sidewalk shown which is acceptable to Traffic Engineering); and*
- 4) 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 September 2, 2020, the **Front Setback, Building Frontage, Shading of Sidewalk, Increased Parking, and Garden wall 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