

**BOARD OF ZONING ADJUSTMENT  
LETTER OF DECISION**

May 8, 2008

Chartersouth, Inc.  
215 Distribution Drive  
Birmingham, AL 35209

**Re: #5457/4570**  
**(Case #ZON2007-02853)**  
**Chartersouth, Inc.**  
**810 Dauphin Island Parkway**  
**(Southwest corner of Dauphin Island Parkway and Halls Mill Road)**

Dear Applicant(s):

On Monday, May 5, 2008, the Board **denied** your request for a **Front Yard Setback Variance to allow the construction of a convenience store gasoline pump canopy within 4' of a front property line in a B-3, Community Business District; a 25' front yard setback is required for all structures in a B-3, Community Business District.**

However, the Board **approved** a **0-foot Front Yard Setback along Halls Mill Road** at the above referenced location subject to the following conditions:

- 1) the provision of all required parking be located on the site;**
- 2) the provision that the percentage of landscaping and the number and location of tree plantings are required to the best degree possible to be approved by Urban Development, Urban Forestry, and Traffic Engineering;**
- 3) the provision that the developer make a donation to the tree bank for all frontage trees waived; 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 November 5, 2008, the Front Yard Setback Variance will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

**BOARD OF ZONING ADJUSTMENT**

Reid Cummings, Chairman

By:

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Frank Palombo

Planner II