



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

January 19, 2018

Jeptha Blacksher
White-Spunner IV
149 Batre Lane
Mobile, AL 36608

Re: #6148
(Case #BOA-000339-2017)
Jeptha Blacksher White-Spunner, IV
149 Batre Lane
(Southeast corner of Batre Lane and Avalon Street).

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

On January 8, 2018, the Board of Zoning Adjustment considered your request for a **Side Street Side Yard Setback Variance** to allow an existing masonry wall taller than 3' and the construction of an addition to an existing dwelling within the Side Street, Side Yard Setback of a corner lot in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow masonry walls taller than 3' or any structures within the Side Street, Side Yard Setback of a corner lot in an R-1, Single-Family Residential District at the above referenced location.

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

- 1) Granting the Variances will not be contrary to the public interest, since the property is of an unusual shape, and the setback encroachments will not create a safety hazard;
- 2) Special conditions associated with the site exist, including the fact that the property is of an unusual shape, and the structure of the house limits expansion options, such that a literal enforcement of the provision of the chapter will result in an unnecessary hardship; and,
- 3) The spirit of the chapter shall be observed and substantial justice done to applicant and the surrounding neighborhood by granting the Variances, as the Board has approved similar requests in the neighborhood, and the approval would be consistent with previous decisions.

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 July 8, 2018, the **Side Street Side Yard Setback Variance** 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

cc: Poly Surveying/Engineering

/lr