



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

July 14, 2021

Amy Cramer
4501 Park Road
Mobile, AL 36605

Re: #6395
(Case #BOA-001624-2021)
Amy Cramer
4501 Park Road
(East side of Park Road at the East terminus of Canal Road)

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

On July 12, 2021, the Board of Zoning Adjustment considered your request for a **Side Yard Setback Variance to allow an air conditioning unit over three (3) feet high within a required side yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance requires side yard setback compliance for all structures three (3) feet and higher in an R-1, Single-Family Residential District.**

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

- 1) Approving the variance request will not be contrary to the public interest in that similar variances have been approved in flood zones along Dog River;**
- 2) Special conditions appear to exist, primarily the requirements for higher mechanical equipment elevations within flood zones, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and**
- 3) The spirit of the chapter shall be observed, and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that the location of the mechanical equipment is more accessible for maintenance and is not intrusive onto adjacent properties.**

The approval is subject to the following conditions:

- 1) Compliance with the Engineering comments: *[If the proposed variance is approved for use the applicant will need to have the following conditions met: 1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit (Single Family Residential Affidavit) be submitted through Central Permitting. 2.***

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The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way. 3. Any and all proposed land disturbing activity within the property will need to 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. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.]; and

2) Full compliance with all municipal coded 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 **January 12, 2022**, the variance 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, Principal Planner