



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

April 6, 2022

Gerald Byrd
Byrd Surveying
2609 Halls Mill Road
Mobile, Alabama 36606

Re: #6448
(Case #BOA-001968-2022)
Qui Le (Gerald Byrd, Agent)
1458 Duval Street
(Block bounded by Duval Street, Michigan Avenue, Grove Street and Partridge Street).

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

On April 4, 2022, the Board of Zoning Adjustment considered your request for a **Rear Street Rear Yard Setback Variance to allow a dumpster over three feet high within the required 25-foot rear street rear yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow structures over three feet high within the required 25-foot rear street rear yard setback in an R-1, Single-Family Residential District.**

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

- 1) Approving the variance will not be contrary to the public interest because the existing restaurant has been there for over 35 years with no complaints from the neighborhood;**
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as there is no part of the site that is located outside of required setbacks; and**
- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance.**

The approval is subject to the following conditions:

- 1) Obtain associated building permits; and**
- 2) 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.

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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 **October 4, 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
Marie York, Principal Planner