



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

April 5, 2023

Paul Davis
756 St. Louis Street
Mobile, Alabama 36602

Re: #6505
(Case #BOA-002409-2023)
PCDA Architecture (Paul Davis, Agent)
5900 McMurray Street
(Northwest corner of McMurray Street and Galloway Avenue).

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

On April 3, 2023, the Board of Zoning Adjustment considered your request for a **Front Yard and Side Street Side Yard Setback Variances to allow a building expansion into the required front yard and side street side yard setbacks in an R-1, Single-Family Residential District; the Zoning Ordinance requires full compliance with the front yard and side street side yard setbacks in an R-1, Single-Family Residential District.**

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

- a) Approving the variance request will not be contrary to the public interest due to the fact that similar variance requests have been approved for structures in the past for corner lots in older areas of the City with legal nonconforming setbacks;
- b) Special conditions exist, such as the fact that the dwelling appears to have been constructed under previous and lesser setback requirements, such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- c) The spirit of the chapter shall be observed, and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the variance in that it will allow a dwelling expansion harmonious with the existing dwelling.

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The Approval is subject to the following conditions:

- 1) the obtaining of the proper permit(s) for the construction of the expansion;
- 2) shifting the garage to the West to provide an 8.5-foot setback along Galloway Avenue;
- 3) subject to the Engineering comments: (If the proposed variance is approved 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 the CSS Portal. 2. 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
- 4) full compliance with all municipal codes and ordinances.

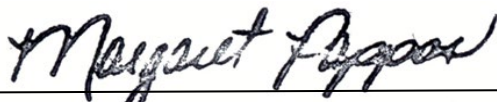
Any party aggrieved by this decision may, within **fifteen** days of the date of the decision, appeal to the Circuit Court of Mobile County by filing a written notice of appeal, specifying the decision from which the appeal is taken. Notice of the appeal, as well as a date stamped copy of the appeal filed in Circuit Court must be filed with this Board within the fifteen-day appeal period.

For further assistance, please call 251-208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By: 
Margaret Pappas
Deputy Director of Planning and Zoning