

The City of Mobile, Alabama

Board of Zoning Adjustment

Letter Of Decision

May 5, 2020

**Joe Vinson Builders, Inc**

**P.O. Box 91323**

**Mobile, AL 36691**

**Re: #6316**

**(Case #BOA-001227-2020)**

**Joe Vinson Builders, Inc.**

**3568 Higgins Road**

(East side of Higgins Road, 270’+ South of its North terminus).

Council District 4

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

On May 4, 2020, the Board of Zoning Adjustment considered your request for **Side Yard Setback and Combined Side Yard Setback Variances to allow one HVAC system and one HVAC system platform higher than 3’ above grade within the required side yard setbacks resulting in reduced combined side yard setbacks in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum side yard setback of 8’ and a minimum combined side yard setback of 20’ for mechanical equipment higher than 3’ above grade in an R-1, Single-Family Residential District.**

**After discussion, the Board approved Side Yard Setback and Combined Side Yard Setback Variances with the following findings of facts;**

1. Approving the variance requests 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.

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, 2020, the **Side Yard Setback and Combined Side Yard Setback Variances** 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