



THE CITY OF MOBILE, ALABAMA  
BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

January 10, 2020

Steve Smith  
917 Western America Cir. #202  
Mobile, AL 36609

**Re: #6300**  
**(Case #BOA-001148-2019)**  
**Steve Smith**  
**51 St. Joseph Street**  
(Northwest corner of St. Joseph Street and St Francis Street)  
Council District 2

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

On January 6, 2020, the Board of Zoning Adjustment considered your request for a **Site Variances to allow a balcony deck that exceeds both the maximum allowed thickness and the maximum allowed projection in a T-6 Sub-District of the Downtown Development District; the Zoning Ordinance does not allow a balcony deck thickness of more than 9" nor a balcony projection of more than 3' in a T-6 Sub-District of the Downtown Development District** at the above referenced location.

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

- a) The variance will not be contrary to the public interest, as the proposed balcony design will complement the architectural style of the building;
- b) Special conditions exist, namely the design of the façade of the building, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- c) The spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

The Approval is subject to the following conditions:

- 1) **Compliance with Engineering comments** *(If the proposed variance(s) are approved for use the applicant will need to have the following conditions met: 1. Obtain a NON-UTILITY RIGHT-OF-WAY USAGE AGREEMENT. An encroachment into a public*

*RIGHT-OF-WAY is governed by the Engineering Department under the Mobile Rights of Way Construction and Administration Ordinance. The appropriate method to address this encroachment would be by making a NON-UTILITY RIGHT-OF-WAY USAGE application to the Right of Way Committee for review. If the application is approved, an agreement will be made between the applicant and the City. 2. 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.);*

- 2) The obtaining of proper permits and a right-of-way use agreement; and
- 3) Full compliance with all other 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.

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 6, 2020, the **Site Variances** 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

cc: Bienville Properties, LLC