



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

August 4, 2021

Taylor Atchison  
Rata Investments LLC  
755 Monroe Street  
Mobile, AL 36602

**Re: #6402**  
**(Case #BOA-001685-2021)**  
**Taylor Atchison**  
**755 Monroe Street**  
**(Southeast corner of Monroe Street and South Bayou Street).**

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

On August 2, 2021, the Board of Zoning Adjustment considered your request for a **Fence Height Variance to allow a ten-foot-high wooden privacy fence along a side property line in a T5.1 Sub-District of the Downtown Development District; the Zoning Ordinance limits wooden privacy fences to a maximum height of eight feet in a T5.1 Sub-District of the Downtown Development District.**

**After discussion, the Board determined the following findings of fact for Approval of the Fence Height Variance request:**

- 1) Approving the variance will not be contrary to the public interest in that it will provide additional buffering between a commercial business with outdoor activity and adjacent residences;**
- 2) Special conditions do exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, in that increased outdoor commercial activity creates a desired increase in protection of adjacent residential properties; and**
- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the applicant and surrounding neighborhood by granting the variance because a residential buffer beyond the minimum required is proposed.**

**The approval is subject to the following conditions:**

- 1) Approval from the Consolidated Review Committee;**
- 2) Approval from the Architectural Review Board;**
- 3) Obtain all necessary permits; and**

755 Monroe Street

August 4, 2021

Page 2 of 2

**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.

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 **February 2, 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