



THE CITY OF MOBILE, ALABAMA
BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

April 6, 2021

Steven R. Sheridan
201 Ridgewood Place
Mobile, AL 36608

Re: #6373
(Case #BOA-001536-2021)
Steven R. Sheridan
1 Ridgelawn Drive East
(Northwest corner of Ridgelawn Drive East and Old Shell Road).

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

On April 5, 2021, the Board of Zoning Adjustment considered your request for a **Setback Variance to allow a ten-foot side yard setback and an eight-foot high wall along the side street property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 25' side yard setback, and requires any structure three feet high or more to meet the 25' setback in an R-1, Single-Family Residential District.**

After discussion, the Board determined the following Findings of Fact for Approval of the requests for a ten-foot side yard setback and an eight-foot high wall along the side street property line in an R-1, Single-Family Residential District:

- 1. Approving the variance request will not be contrary to the public interest due to the fact that similar requests have been approved by the Board for nearby properties for walls of similar size and location;**
- 2. Special conditions exist, such as the fact that other properties within the neighborhood have fences and walls close to the street property line, and reduced side street setbacks have been approved, such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**
- 3. 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 because the request is similar to and not uncommon for other properties within the Spring Hill area.**

The Approval is subject to the following conditions:

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- 1) the obtaining of the proper permit(s) for the construction of the wall;
- 2) subject to the Engineering comments: (If the proposed variance is approved for use the applicant will need to have the following conditions met: 1. The propose improvements shown on the submitted plans will require a Land Disturbance Permit – Single Family Residential Affidavit be submitted through Central Permitting. 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
- 3) 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 **October 5, 2021**, 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

cc: Brett Orrell
PolySurveying, LLC