



THE CITY OF MOBILE, ALABAMA  
BOARD OF ZONING ADJUSTMENT  
LETTER OF DECISION

April 10, 2014

Thomas & Susan Thomas  
1744 Hunter Avenue  
Mobile, AL 36604

**Re: #5883**  
**(Case #ZON2014-00453)**  
**Thomas G. & Susan W. Thomas**  
1744 Hunter Avenue  
(Northeast corner of Hunter Avenue and Hannon Avenue)

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

On April 7, 2014, the Board of Zoning Adjustment considered your request for **Side Street Yard Setback Variance to allow the construction of a 6' high privacy fence setback 2' from the side street property line in an R-1, Single-Family Residential District** at the above referenced location.

After discussion, the Board approved the request, finding that:

- 1) Approving the variance will not be contrary to the public interest due to the fact that the proposed fence is consistent with other fences within the adjacent areas of the Old Dauphin Way Historic District;
- 2) Special conditions, including the need to more fully separate the owner's dogs from pedestrians on the sidewalk in order to reduce the risk of injury, do exist 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 surrounding neighborhood by granting the variance due to the fact that the site is located within an historic district, and the proposed fence would be in keeping with the development of the district.

The approval is subject to the following conditions:

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- 1) Obtainment of the proper building-related permits for the construction of the proposed privacy fence; and
- 2) 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 October 7, 2014, the **Side Street Yard Setback Variance** 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, Planner II

cc: Douglas Kearley, AIA

/lw