



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

December 8, 2017

Chris and Ellen Alves  
4670 Old Shell Road  
Mobile, AL 36608

**Re: #6145**  
**(Case #BOA-000318-2017)**  
**Chris and Ellen Alves**  
**4670 Old Shell Road**  
**(Northeast corner of Marston Lane and Old Shell Road).**

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

On December 4, 2017, the Board of Zoning Adjustment considered your request for a **Fence Variance to allow an 8' privacy fence/wall to be constructed within the 25' front minimum building setback area in an R-1 Single-Family Residential District** at the above referenced location.

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

- 1) Approving the variance request will not be contrary to the public interest because similar requests have been approved by the Board for nearby properties, and several properties next to and across the street from the site have walls of similar size and location;**
- 2) Special conditions exist, including the location of a sidewalk and the fact that the once "front yard" is now the "side yard" for the house since it was renovated, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and**
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance due to the fact that there is a precedent for such walls within the immediate vicinity.**

**Please note, the large Live Oak located at the corner of Old Shell Road and Marston Lane may be partially or fully located within the right-of-way. Thus any work that would impact the root system of the tree must be reviewed by the City's arborist, Peter Toler, and if the tree is at least partially in the right-of-way, may require approval from the Mobile**

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**Tree Commission.** Please contact Peter Toler at 251.288.7926 (cell) or by email: [peter.toler@cityofmobile.org](mailto:peter.toler@cityofmobile.org).

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.

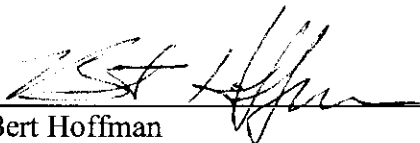
No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before June 4, 2018, the **Fence Variance** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

**BOARD OF ZONING ADJUSTMENT**

William Guess, Chairman

By:

  
Bert Hoffman  
Principal Planner