



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

May 4, 2022

Mark Gacek
720 Hillcrest Road
Unit: Suite A
Mobile, Alabama 36695

Re: #6455
(Case #BOA-002020-2022)
Puddles & Percys Properties LLC (Mark Gacek, Agent)
720 Hillcrest Road
(West side of Hillcrest Road, 155'± South of Airport Boulevard)

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

On May 2, 2022, the Board of Zoning Adjustment considered your request for a **Fence Height Variance to allow a twelve (12)-foot high security fence in a B-3, Community Business District; the Zoning Ordinance limits fence heights to eight (8) feet in a B-3, Community Business District.**

After discussion, the Board determined the following Findings of Fact for approval of the request for a Fence Height Variance to allow a twelve (12)-foot high security fence in a B-3, Community Business District:

- 1) Approving the variance request will not be contrary to the public interest in that it will allow for site security which could not ordinarily be provided by a literal interpretation of the Ordinance;**
- 2) Special conditions appear to exist, specifically higher terrain elevations along the adjacent property, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and**
- 3) The spirit of the chapter shall be observed, and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that it will allow for site security which could not otherwise be obtained.**

The approval is subject to the following conditions:

- 1) obtaining of the necessary permit(s) for the fence construction; and**
- 2) full compliance with all municipal codes and ordinances.**

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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 **November 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: 
Margaret Pappas
Deputy Director of Planning and Zoning

Cc: Element 3 Engineering