



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

January 12, 2022

Gerald Byrd
Byrd Surveying
2609 Halls Mill Road
Mobile, Alabama 36606

Re: #6439/4819/4342/2484
(Case #BOA-001900-2021)
Byrd Surveying, Inc. (Gerald Byrd, Agent)
1451 Cedar Crescent Drive
(East side of Cedar Crescent Drive, 250'± South of South Drive).

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

On January 10, 2022, the Board of Zoning Adjustment considered your request for a **Protection Buffer Variance to remove a condition of approval of a previously approved variance in an R-3, Multi-Family Residential District; the Zoning Ordinance requires a protection buffer in an R-3, Multi-Family Residential District.**

The Board finds the following Findings of Fact for Approval of a Protection Buffer Variance to waive the requirement of a residential protection buffer along the South property line:

- 1) approving the variance requests will not be contrary to the public interest;**
- 2) special conditions do appear to exist 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.**

The approval is subject to the following conditions:

- 1) revision of the site plan to depict a privacy fence 8' in height along the East property line, parallel to Bay Front Road;**
- 2) compliance with the remaining conditions of approval of the 1970 Rezoning (the provision of a storm fence and the planting of a compliant vegetative buffer around the remaining property lines, with the exception of the South property line); and,**
- 3) completion of the Rezoning process to amend the conditions of the 1970 Rezoning to be compatible with the Variance Approval.**

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

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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 **July 10, 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