



THE CITY OF MOBILE, ALABAMA
BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

October 9, 2020

Merrill and Sarah Thomas
4458 Emperor Dr
Mobile, AL 36608

Re: #6348
(Case #BOA-001388-2020)
Merrill Pratt Thomas, Jr.
4458 Emperor Drive
(North side of Emperor Drive, 240'± West of Schwaemmle Drive).

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

On October 5, 2020, the Board of Zoning Adjustment considered your request for a **Side Yard Setback Variance to allow a carport/storage structure less than 8' from a side property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires at least an 8' side yard setback for structures 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 of the Side Yard Setback Variance request:

- 1) Approving the variance request will not be contrary to the public interest due to the fact that a similar variance has been approved within the vicinity of this site;**
- 2) Special conditions appear to exist, primarily the restricted vehicle maneuvering area which would result if the required side yard setback were met, 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 in that it will allow a carport/storage structure harmonious with the existing dwelling.**

The approval is subject to the following conditions:

- 1) the obtaining of the proper permit(s) for the construction of the structure;**
- 2) the provision of gutters and downspouts along the West side of the structure; and**
- 3) full compliance with all other 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 April 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:



Bert Hoffman
Principal Planner

/bh