



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

July 14, 2021

Jarrold White  
1200 Dauphin Street  
Mobile, AL 36604

**Re: #6400**  
**(Case #BOA-001659-2021)**  
**Jarrold White**  
**1069 State Street**  
**(South side of State Street, 120'± East of Kennedy Street)**

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

On July 12, 2021, the Board of Zoning Adjustment considered your request for a **Side Yard Setback, Combined Side Yards Setback, and Accessory Structure Variances** to allow reduced side yard and combined side yards setbacks, and to allow an accessory structure to be built on a vacant site prior to constructing a dwelling in an R-2, Two-Family Residential District; the Zoning Ordinance requires compliance with side yard and combined side yard setbacks, and does not allow an accessory structure to be constructed on a vacant site prior to constructing a dwelling in an R-2, Two-Family Residential District.

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

- 1) The variance 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) The spirit of the chapter shall be observed, and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the requested variance.

The Approval is subject to the following conditions:

- 1) No separate utilities are allowed for the accessory structure; and
- 2) Full compliance with all municipal codes and ordinances.

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After discussion, the Board determined the following findings of fact for Denial for the Accessory Structure Variance:

- 1) Approving the variance request will be contrary to the public interest due to the fact that similar variances have not been approved within the vicinity of this site;
- 2) Special conditions do not appear to exist, primarily a necessity for reduced setbacks, 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 not be observed, and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that a precedent could be established by allowing the accessory structure to be constructed prior to the construction of the primary structure on the site.

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 **January 12, 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