THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

March 8, 2023

Brent W. and Kelly M. Greenwald
28 Edgefield Road
Mobile, Alabama 36608

Re: #6499
(Case #BOA-002378-2023)
Brent W. & Kelly M. Greenwald
28 Edgefield Road
(Northwest corner of Edgefield Road and Dauphin Street).

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

On March 6, 2023, the Board of Zoning Adjustment considered your request for a **Side Street Side Yard Setback Variance to allow a wall taller than three feet (3') along a side street side yard property line in an R-1, Single-Family Residential District; the Zoning Ordinance limits walls to no more than three feet (3') in height along a side street side yard property line in an R-1, Single-Family Residential District.**

After discussion, the Board determined the following Findings of Fact for Approval:

a) **Approving the variance request will not be contrary to the public interest due to the fact that similar requests have been approved by the Board for fences and walls along the right-of-way of other heavily traveled streets within the Spring Hill area;**
b) **Special conditions exist, such as property slope, a major street corner, and the fact that other properties within the neighborhood have fences and walls close to or along the street property line, such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**
c) **The spirit of the chapter shall be observed, and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the variance because the request is similar to and not uncommon for other properties within the Spring Hill area.**

The approval is subject to the following conditions:

1) **the obtaining of the proper permit(s) for the construction of the wall;**
2) **subject to the Engineering comments:** ***(If the proposed variance is approved the applicant will need to have the following conditions met: 1. The wall (including the footers) must be located on private property and NOT within the public ROW. 2. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit to be submitted through Central Permitting. 3. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way. 4. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 5. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.)*****; and**
3) **full compliance with all municipal codes and ordinances.**

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 **September 6, 2023**, the variance will expire and become null and void.

For further assistance, please call 251-208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT
William Guess, Chairman

By: Marie York
Marie York, Principal Planner