



THE CITY OF MOBILE, ALABAMA  
BOARD OF ZONING ADJUSTMENT  
LETTER OF DECISION

September 15, 2018

Tony M. Jones & Thomas P. Baines  
221 S. Dearborn Street  
Mobile, AL 36602-1607

**Re: #6208**  
**(Case #BOA-000644-2018)**  
**Tony M. Jones & Thomas P. Baines**  
**221 South Dearborn Street**  
**(Northeast corner of South Dearborn Street and Canal Street Service Road).**

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

On September 10, 2018, the Board of Zoning Adjustment considered your request for a **Site and Setback Variances to allow a third building within the required secondary frontage setback on a residential lot in a T-3 Sub-District of the Downtown Development District** at the above referenced location.

**After discussion, the Board determined the following findings of fact for Denial of the Site Variance request to allow three buildings on a single site:**

- 1) Approving the variance will be contrary to public interest in that the Zoning Ordinance in that having three buildings on a site in a T-3 Sub-District is contrary to the requirements of the Downtown Development District;**
- 2) Special conditions do not exist and there are no hardships with the property which exist that make the development necessary as proposed;**
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the site can be developed in compliance with the requirements of the ordinance.**

After discussion, the Board determined the following findings of fact for Approval for the Setback Variance request for the garage:

- 1) The variance will not be contrary to the public interest, as there are other buildings within the historic district vicinity that have similar reduced setbacks;
- 2) Special conditions 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 done to the applicant and the surrounding neighborhood by granting the variance.

The approval is subject to the following conditions:

- 1) The curb-cut to the garage is limited to a maximum width of 25 feet; and
- 2) Removal of the existing storage shed within 60 days after the garage has been completed (the garage shall be considered complete when a final Certificate of Occupancy or similar is issued by the City)

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 March 10, 2019, the **Site and Setback Variances** 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

Cc: Tam Williams Design Inc.