



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

****CORRECTED****

December 8, 2016

Ferrer Victor R. & Carmela
6424 Lubarret Way
Mobile, AL 36693

Re: #6066
(Case #ZON2016-02119)
Victor R. Ferrer
6424 Lubarrett Way
(North side of Lubarrett Way, 87'± West of Cathedral Way).

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

On December 5, 2016, the Board of Zoning Adjustment considered your request for a **Use Variance to allow two dwellings in an R-1, Single Family Residential District; the Zoning Ordinance allows only one dwelling per lot in an R-1, Single Family Residential District** the above referenced location.

After discussion, the Board determined the following findings of facts for Denial:

- 1) Granting the variance will be contrary to the public interest in that it will be contrary to Section 64-3.C.1. of the Zoning Ordinance regarding the number of dwellings allowed within an R-1, Single-Family Residential District;**
- 2) Special conditions may exist such as the desire to accommodate guests such as friends and family, but not in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the site can be developed without the requirement for variances; and**
- 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 second dwelling could be removed and the footprint of the main house could be expanded to accommodate house guests.**

Please note that, at the request of the Board, staff will investigate the property for building setback and building code violations.

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.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By: Marie York
Marie York, Planner II

cc: Polysurveying/Engineering

/lr