



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

September 15, 2018

Njagi Dickson & Jane Kigango
820 Ingleside Drive
Mobile, AL 36608

Re: #6202
(Case #BOA-000612-2018)
Njagi Dickson & Jane Kigango
820 Ingleside Drive West
(East side of Ingleside Drive West, 125'± South of Parkwood Drive West).

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

On September 10, 2018, the Board of Zoning Adjustment considered your request for a **Side Yard Setback Variance to allow the construction of a shed and a garage within 6.8' and 7.7', respectively, of a side property line in an R-1, Single-Family Residential District** at the above referenced location.

SHED: After discussion, the Board determined the following findings of fact for Denial for the shed within 6.8' of a side property line:

- 1) allowing the proposed reduced setbacks would be contrary to the public interests inasmuch as the shed can be relocated on the site in compliance with all setback requirements;
- 2) that special conditions do not exist in preventing the site from complying with side yard setback requirements in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as there is sufficient room on the site to relocate the shed outside of required setbacks; and,
- 3) that 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 applicant can relocate the shed on the site.

GARAGE: After discussion, the Board determined the following findings of fact for Approval for the garage within 7.7' of a side property line:

- 1) allowing the proposed reduced setbacks would not be contrary to the public interests inasmuch as the garage encroaches less than half a foot into the required setback;
- 2) that special conditions do exist in preventing the site from complying with side yard setback requirements in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as it would be difficult to be relocated outside of the required setback; and,
- 3) that the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the encroachment is minor in nature, and behind the primary dwelling.

The Approval is subject to the following condition:

- 1) Removal of the storage shed within 15 days of the completion of the garage (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 **Side Yard Setback 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

Cc: Erdman Surveying LLC