



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

September 18, 2017

Margaret M. McGovern
117 Demouy Avenue
Mobile, AL 36606

Re: #6129
(Case #BOA-000180-2017)
Margaret M. McGovern
117 Demouy Avenue
(Northeast corner of Demouy Avenue and Murray Street).

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

On September 11, 2017, the Board of Zoning Adjustment considered your request for a **Front and Side Street Side Yard Setback Variances to allow a 6'± privacy fence within 6.2'± of the front property line, and within 5'± of the side street side yard property line in an R-1, Single-Family Residential District** at the above referenced location.

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

- 1) **Granting the Variance will not be contrary to the public interest since the fence is setback far enough so as not to create a line of sight issue;**
- 2) **Special conditions do exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, due to the fact that the dogs to be contained within the fenced area can breach a fence of compliant height, and due to the fact that the property has no other yard available in which to provide outdoor space with a fence that meets height/setback requirements; and,**
- 3) **The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the Variance, since the site is near a local historic district, and is within a federally recognized historic district, where such fences with reduced setbacks are common.**

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

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the appeal filed in Circuit Court must be filed with this Board within the fifteen-day appeal period.

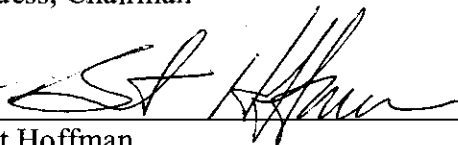
No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before March 11, 2018, the **Front and Side Street Side Yard Setback Variances** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:



Bert Hoffman
Principal Planner

cc: Wattier Surveying, Inc.

/lr