



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

October 13, 2015

David & Tiffany England
1608 Hidden Court
Mobile, AL 36695

Re: #6002
(Case #ZON2015-02099)
David & Tiffany England
1608 Hidden Court
(West side of Hidden Court, 235'± North of Sugar Creek Drive South).

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

On October 5, 2015, the Board of Zoning Adjustment considered your request for **Side & Rear Yard Setback Variances to allow a structure within 6.7 feet from side property line and within 6.8' of rear property line in an R-1, Single-Family Residential District** at the above referenced location.

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

- 1) **Granting the variance will not be contrary to the public interest due to the fact that the setback encroachments are minor, and due to the fact that there are many other setback encroachments within the vicinity;**
- 2) **Special conditions exist, including the slope of the property, the existence of a pool, and the existing trees, that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**
- 3) **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 for the structure, since there are other setback encroachments within the immediate vicinity.**

The Approval is subject to the following conditions:

- 1) **Either obtain a Right-of-Way Use agreement for that portion of the structure in the drainage easement; or**

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2) Submit for a one lot subdivision to modify the drainage easement boundary to eliminate the encroachment issue.

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 April 5, 2016, the **Side and Rear 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, Planner II

cc: Gerald A. Smith

/lw