



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

August 8, 2014

Francisco & Pamela Codina
4702 Old Shell Road
Mobile, AL 36608

Re: #5909
(Case #ZON2014-01441)
Francisco & Pamela Codina
4702 Old Shell Road

(Northwest corner of Old Shell Road and Marston Lane).

Side Street Side Yard Setback Variance to allow a 5' tall wrought iron fence with five (5) 6' tall free-standing brick columns within 1' of the side street side yard property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum 20' Side Street Side Yard setback for all structures over 3' tall in an R-1, Single-Family Residential District.

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

On August 4, 2014, the Board of Zoning Adjustment considered your request for **Side Street Side Yard Setback Variance to allow a 5' tall wrought iron fence with five (5) 6' tall free-standing brick columns within 1' 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 approved the request, finding that:

- 1) Based on the fact that fences are not uncommon in the Spring Hill area, and that Traffic Engineering has stated that there will be no line of sight issues, granting the variance will not be contrary to the public interest;
- 2) Special conditions exist, such as the fact that a similar request was approved two properties to the North, that the property across Marston has a wall, and the additional pedestrian traffic is being created by a new sidewalk, such that the literal enforcement of the provisions of the chapter will appear to 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 because the request is similar to and not uncommon for other properties within the Spring Hill area.

The approval is subject to the following conditions:

- 1) obtaining the necessary building permits for the proposed improvements; and
- 2) full compliance with all other municipal codes and ordinances.

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.

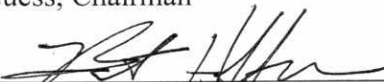
No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before February 4, 2015, the **Side Street Side Yard Setback Variance** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:


Bert Hoffman, Planner II

cc: Don Williams

/jpw