



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

October 9, 2014

James P. Meador, Jr.
3520 Stillwood Lane West
Mobile, AL 36608

Re: #5921
(Case #ZON2014-01925)
James P. Meador Jr.
3520 Stillwood Lane West
(North side of Stillwood Lane West, 149'± East of Avalon Street).

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

On October 6, 2014, the Board of Zoning Adjustment considered your request for **Rear and Side Yard Setback Variances to allow an existing structure within 3' of the side property line and within 4.7 feet within the rear property line and allow an existing carport within 0.5' of side property line in a R-1, Single-Family Residential District** at the above referenced location.

The Board made the following findings of fact for denial regarding the existing shed to remain in its current location:

- 1) Granting the variance will be contrary to the public interest in that the approval of the variance will be contrary to Section 64-3.C.1.e. of the Zoning Ordinance regarding setbacks within an R-1, Single-Family Residential zoning district;
- 2) Although special conditions may exist, such as a hardship to the property due to the lot's size, a literal enforcement of the provisions of the chapter will not appear to result in an unnecessary hardship as there appears to be other appropriate locations to relocate the shed within the rear yard; 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 for the unpermitted shed since there may be other areas on the property which may be appropriate for the shed that would meet all setback requirements in upholding the spirit of Section 64-3.C.1.e. of the Zoning Ordinance.

The Board made the following finds of fact for approval for the existing carport to remain on the property:

- 1) Approving the variance request will not be contrary to the public interest due to the fact there have been other setback variance approvals in the vicinity of this site;
- 2) Special conditions exist, including the current site layout, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance due to the fact that the applicant will be required to provide downspouts and/or other needed equipment to help prevent unnecessary water flow onto the adjacent property, as necessary.

The approval is subject to the following conditions:

- 1) Obtainment of proper building-related permits for the existing carport and shed (playhouse), as appropriate;
- 2) The provision of downspouts and/or other equipment needed to help divert water flow from the adjacent property; and
- 3) Relocation of the existing shed (playhouse) in the rear of the property to a more appropriate location that meets all setbacks.

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.

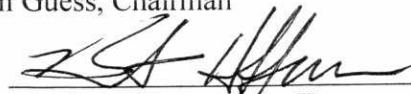
No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before April 6, 2015, the **Side Yard Setback Variance** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:


Bert Hoffman, Planner II

cc: Polysurveying & Engineering

/lw