



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

April 10, 2014

Robert Whigham
51 Oakland Avenue
Mobile, AL 36608

Re: #5891
(ZON2014-00523)
Robert Whigham (M. Don Williams, Agent)
51 Oakland Avenue
(Southwest corner of Oakland Avenue and Marston Lane)

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

On April 7, 2014, the Board of Zoning Adjustment considered your request for **Side Street Yard Setback Variance to allow an 8' high wall setback 1' from the side street property line, and 8' high wooden gates within the side street yard setback in an R-1, Single-Family Residential District** at the above referenced location.

After discussion, the Board approved the request, finding that:

- 1) Granting the variance will not be contrary to the public interest in that the clearing of shrubs within the right-of-way as part of the project will improve visibility for traffic, and the fact that Traffic Engineering has stated that there will be no traffic visibility impairments due to the proposal;
- 2) Special conditions, including the fact that there is a need for privacy in the rear of the corner lot property, do exist 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 surrounding neighborhood by granting the variance because the proposal will be consistent and in harmony with other properties in the vicinity.

The approval is subject to the following conditions:

Robert Whigham (M. Don Williams, Agent)

April 10, 2014

Page 2

- 1) Obtainment of the proper building-related permits for the construction of the proposed privacy gates and wall; and
- 2) Full compliance with all other municipal codes and ordinances, including obtaining any necessary Right-of-Way permits.

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 October 7, 2014, the **Side Street 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 IV

cc: M. Don Williams Development

/lw