



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

**\*\* CORRECTED \*\***

September 16, 2016

Spanish Villa Condominium Owners Association  
4009 Old Shell Road  
Mobile, Al 36608

**Re: #6050**  
**(Case #ZON2016-01423)**  
**Spanish Villa Condominium Owners Association**  
**4009 Old Shell Road**  
(Southwest corner of Old Shell Road and College Lane).

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

On September 12, 2016, the Board of Zoning Adjustment considered your request for **Front Yard and Side Street, & Side Yard Setback Variances to allow masonry sign columns 7.3' high and masonry iron fence columns 7' high setback 6 feet from the front property line and 2 inches from the side street property lines at a residential condominium complex in an R-3, Multi-Family Residential District** at the above referenced location.

**After discussion, the Board determined the following findings of facts for approval to allow the fence along the front property line to be setback 6 feet (with the entry gate further back, as shown on the approved site plan):**

- 1) approving the variance request will not be contrary to the public interest in that the fence will be located far enough from the sidewalk to allow for sufficient visibility and safety for pedestrian and vehicular traffic;**
- 2) special conditions with the site or unusual site constraints do exist, including the fact that crime is occurring on the property and un-authorized vehicles are being parked on the site, 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 variances because it will provide the residents with additional protection while also ensuring the safety of pedestrians and vehicles at the entry and exit points of the site.

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 March 12, 2017, the **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: Byrd Surveying, Inc.

/lr