



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

****CORRECTED****

September 16, 2016

Rick Twilley
P.O. Box 850669
Mobile, Alabama 36685

Re: #6054
(Case #ZON2016-01594)
Rick Twilley
3615 Riviere Du Chien Road
(East side of Riviere Du Chien Road, 115'± South of Riviere Du Chien Court).

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

On September 12, 2016, the Board of Zoning Adjustment considered your request for **Side Yard Setback Variance to allow an HVAC unit taller than 3' less than 8' from the side property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires any mechanical equipment 3' or higher to meet an 8' side yard setback in an R-1, Single-Family Residential District** at the above referenced location.

After discussion, the Board determined the following findings of facts for Approval:

- 1) Granting the variance will not be contrary to the public interest in that the height required for the units is due to the location of the property in a flood zone, and would apply equally to other locations on the property and other new homes in the vicinity;**
- 2) Special conditions exist, including the location of the property in a flood zone, 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 and the applicant by granting the variance because the applicant will screen the units, and the height requirement due to the flood zone would also apply to new residential construction elsewhere in the vicinity.**

The Approval is subject to the following condition:

- 1) Provision of screening of the HVAC units with a wooden privacy fence, as offered by the applicant.

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 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, Principal Planner

cc: Richard L. Patrick, Professional Land Surveyor

/lr