



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

****CORRECTED****

December 8, 2016

Michael & Janet Delaney
69 Oakland Avenue
Mobile, AL 36608

Re: #6071
(Case #ZON2016-02181)
Michael R. Delaney
69 Oakland Avenue
(Southeast corner of Oakland Avenue and Ridgelawn Drive East).

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

On December 5, 2016, the Board of Zoning Adjustment considered your request for a **Setback Variance to allow an outdoor kitchen 2' foot from the side yard property line in an R-1, Single Family Residential District; the Zoning Ordinance requires a minimum 8' side yard setback for all building structures 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) The variance will not be contrary to the public interest because the reduced setback is in keeping with similar setback variances approved in the area by the Board previously;**
- 2) Special conditions do appear to exist and there are justifications of hardship which exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the rear yard is small and does not provide sufficient room for the outdoor kitchen to comply with setbacks; 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 proposed outdoor kitchen will be 25'± from the nearest structure on an adjacent property.**

The Approval is subject to the following conditions:

1) provision of gutters and downspouts

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 June 5, 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: Marie York
Marie York, Planner II

cc: Byrd Surveying, Inc.

/lr