



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

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

December 8, 2016

Epeval Taylor  
2535 Tanglewood Circle  
Mobile, AL 36618

**Re: #6077**  
**(Case #ZON2016-02274)**  
**Epeval Taylor**  
**2535 Tanglewood Circle**  
**(West terminus of Tanglewood Circle).**

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

On December 5, 2016, the Board of Zoning Adjustment considered your request for a **Setback Variance to allow a patio to be within 5' of the rear property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires all structures to be a minimum of 8' from the rear property line 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 wall on the patio is necessary to protect patio users from the elevation change to the ground;**
- 2) Special conditions do exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, since the drainage area slopes and creates a hazard for patio users; and**
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance for the patio since the applicant will amend the Subdivision plat regarding the drainage easement.**

**The approval is subject to the following conditions:**

- 1) **Application for a one lot subdivision to relocate the position of the private drainage and utility easement around the patio, with the application to be submitted in a timely manner so that the Planning Commission can consider the request within 6 months of the Board meeting; and**
- 2) **If the Subdivision application is approved, the recording of the plat as soon after Planning Commission approval as possible.**

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: Polysurveying/Engineering

/lr