



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

July 9, 2014

City of Mobile / CPD
P. O. Box 1827
Mobile, AL 36633

Re: #5901
(Case #ZON2014-01185)
City of Mobile, Community Planning and Development Department
906 and 908 Delaware Street

(North Side of Delaware Street, 110'± West of South Broad Street).

Bulk, Front Setback, and Side Yard Setback Variances to allow a duplex on a 6,680 square foot site, with a 21'6" front yard setback and a 1' side yard setback in an R-3, Multi-Family Residential District; the Zoning Ordinance requires a minimum of 8,000 square feet for a duplex, with a minimum front yard setback of 25', and a minimum side yard setback of 8' in an R-3, Multi-Family Residential District.

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

On July 7, 2014, the Board of Zoning Adjustment considered your request for **Bulk, Front Setback, and Side Yard Setback Variances to allow a duplex on a 6,680 square foot site, with a 21'6" front yard setback and a 1' side yard setback in an R-3, Multi-Family Residential** at the above referenced location.

The applicant submitted a revised site plan, eliminated the need for a front yard setback, and changing the side yard setback from 1 foot to 5 feet.

With the revised site plan and revised variance requests, the Board determined the following findings of fact for Approval:

- 1) approving the variance request will not be contrary to the public interest due to the fact that the property is in a blighted area, that it is zoned for multi-family use, and that there is a live oak tree of significant size on the property;

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- 2) special conditions do exist, such as the live oak tree, the multi-family zoning, and the blighted nature of the area, such that the 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 proposed use and associated improvements will not be a detriment to the neighborhood.

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.

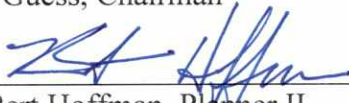
No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before January 7, 2015, the **Bulk and Side Yard Setback Variances** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:


Bert Hoffman, Planner II

cc: Marshall A. McLeod, P.L.S., LLC

/lw