



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

September 13, 2023

Richard and Mellie Noblet
133 Eaton Square
Mobile, Alabama 36608

Re: #6529/6394
BOA-002541-2023
133 Eaton Square
Richard and Mellie Noblet
District 5

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

On September 11, 2023, the Board of Zoning Adjustment considered your request for a Side Street Side Yard Setback Variance to allow the construction of a garage less than ten feet (10') from a side street side yard property line in an R-3, Multi-Family Residential Suburban District; the Unified Development Code (UDC) requires a 25-foot side street side yard setback in an R-3, Multi-Family Residential Suburban District.

After discussion, the Board determined the following findings of fact for approval:

- 1) The variance will not be contrary to the public interest;
- 2) Special conditions do not exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) The spirit of the chapter shall be observed, and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

The approval is subject to the following conditions:

- 1) Revision of the addition to remove the encroachment into the 7.5 foot drainage and utility easement; and
- 2) Submission and recording of a subdivision application to alter the recorded setback line along Old Shell Road.

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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 11, 2024, the variance will expire and become null and void.

For further assistance, please call 251-208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By: 

Margaret Pappas
Deputy Director of Planning and Zoning