



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

June 8, 2021

Richard Noblet
133 Eaton Square
Mobile, AL 36608

Re: #6394/2013
(Case #BOA-001622-2021)
Richard Noblet
133 Eaton Square
(Southwest corner of Old Shell Road and Eaton Square).

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

On June 7, 2021, 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 25 feet from a side street side yard property line in an R-3, Multi-Family Residential District; the Zoning Ordinance requires a 25-foot side street side yard setback in an R-3, Multi-Family Residential District.

After discussion, 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 similar variance requests have been approved within the vicinity of this site;
- 2) Special conditions appear to exist, primarily the limited area on the site available for the construction of the proposed garage, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed, and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that it will allow a garage harmonious with the existing dwelling.

The approval is subject to the following conditions:

- 1) Subject to the Engineering comments: *(If the proposed variance is approved for use the applicant will need to have the following conditions met: 1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit – Single Family Residential Affidavit be submitted through Central Permitting. 2. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water*

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Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.)

- 2) the obtaining of the proper permit(s) for the construction of the structure; and full
- 3) compliance with all other municipal codes and ordinances.

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 **December 7, 2021**, the 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, Principal Planner