



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

August 7, 2024

James L. Tate
Post Office Box 856
Point Clear, Alabama 36564

Re: 6604
BOA-003006-2024
7701, 7705, 7709, 7621, and 7631 Old Government Street
James Tate / Village at Tate Farms
District 6

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

On August 5, 2024, the Board of Zoning Adjustment considered your request for a Front Yard Setback, Side Yard Setback, Rear Yard Setback, and Site Coverage Variances to allow 15-foot front yard setbacks, 0-foot side yard setbacks, 0-foot rear yard setbacks, and 55% site coverage in an R-3, Multi-Family Residential Suburban District; the Unified Development Code (UDC) requires a 25-foot front yard setback, 10-foot side yard setbacks, 10-foot rear yard setbacks, and 45% site coverage in an R-3, Multi-Family Residential Suburban District.

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

- A. The variance **will not** be contrary to the public interest;
- B. Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- C. 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. Approval of the proposed street names by the City Engineer, with any modifications labeled on a revised site plan;
2. Coordinate with Engineering and Traffic Engineering the dedication of corner radii where each lot abuts a private street intersection, as needed;

P.O. BOX 1827 ■ MOBILE, ALABAMA 36633-1827

August 7, 2024

3. Revision of the site plan to illustrate the applicable utility easements;
4. Placement of a note on the revised site plan stating that the streets are privately maintained and that there shall be no public right-of-way;
5. Revision of the site plan to label each lot with its size in square feet and acres, or provision of a table on the revised site plan with the same information;
6. Revision of the site plan to label each common area with its size in square feet and acres, or provision of a table on the revised site plan with the same information;
7. Placement of a note on the revised site plan stating that the maintenance of all common areas is the responsibility of the property owner(s) and not the City of Mobile;
8. Retention of a table on the site plan providing the front, side, and rear yard setbacks, as approved by the Board of Zoning Adjustment;
9. Compliance with all Engineering comments noted in this staff report;
10. Placement of a note on the Final Plat stating all Traffic Engineering comments noted in this staff report;
11. Compliance with all Urban Forestry comments noted in this staff report;
12. Compliance with all Fire Department comments noted in this staff report; and
13. Full compliance with all other codes and ordinances.

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 February 5, 2025, the variance will expire and become null and void.

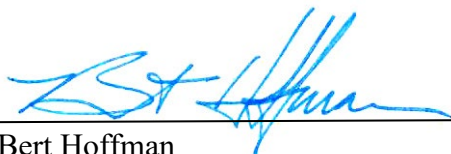
Any party aggrieved by this decision may, within fifteen days of the date of the decision, appeal to the Circuit Court of Mobile County by filing a written notice of appeal, specifying the decision from which the appeal is taken. Notice of the appeal, as well as a date stamped copy of the appeal filed in Circuit Court must be filed with this Board within the fifteen-day appeal period.

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

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By: 
Bert Hoffman
Deputy Director of Long Range Planning