



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

September 17, 2021

Rebecca Persekian
1757 Government Street
Mobile, AL 36604

Re: #6405/5915/5272/3366/3139/1640
(Case #BOA-001707-2021)
Rebecca Persekian
1757 Government Street
(Southwest corner of Government Street and Weinacker Avenue).

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

On September 13, 2021, the Board of Zoning Adjustment considered your request for a **Use, Surfacing, Parking Ratio, Landscaping and Tree Planting, and Residential Buffering Variances** to allow a hot dog shop without paved parking, no designated parking spaces, no landscaping or tree plantings, and no residential buffering in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow hot dog shops in R-1, Single-Family Residential Districts, and requires compliant parking surfaces, sufficient parking spaces, full compliance with landscaping and tree planting ratios, and compliant residential buffering.

After discussion, the Board determined the following Findings of Fact for Approval of the requests:

- 1) Approving the variance requests will not be contrary to the public interest due to the fact the site has been used commercially and the proposed business could be considered a continuation of a similar commercial use;
- 2) Special conditions exist, including the current site conditions, 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 due to the fact that the applicant will have a similar type of use and site condition as previously on this property.

The approval is subject to the following conditions:

- 1) Limitation of the piano lounge hours of operation to 3:00 PM to 11:00 PM;
- 2) Single vocal or instrumental musicians ("piano bar") or small performing musical ensemble groups such as jazz ensemble;
- 3) Closed on event venue nights such as weddings, receptions, banquets, group parties, etc.;
- 4) Compliance with 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 will require a Land Disturbance Permit be submitted through Central Permitting. 2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way. 3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water 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. 4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.);*
- 5) Obtaining of any necessary Building Code and Fire Code inspections; and
- 6) Full compliance with all 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 **March 13, 2022**, 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