



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

April 10, 2014

Cowart Hospitality Services, LLC  
3536 Independence Drive  
Birmingham, AL 35209

Re: #5882  
(Case #ZON2014-00450)  
Cowart Hospitality Services, LLC  
12 North Joachim Street  
(East side of North Joachim Street, 130'± North of Dauphin Street, extending to the  
Southwest corner of North Conception Street and St. Francis Street)

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

On April 7, 2014, the Board of Zoning Adjustment considered your request for **Access and Maneuvering Variances to allow the access and maneuvering area for a dumpster to be within the public right-of-way and not on-site in a B-4, General Business District** at the above referenced location.

After discussion, the Board approved the request, finding that:

- 1) Approving the variance will not be contrary to the public interest due to the presence and precedent of other hotels within close proximity which also require access and maneuvering within the right-of-way to service dumpsters;
- 2) Special conditions exist, including the limited property size, minimum required parking ratio of the client, and minimum number of rooms required by the client, 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 due to the fact that there are no setback requirements for B-4 districts, North Joachim Street is a minor street with low traffic volumes, and due to the fact that the applicant will comply with the screening requirements of Section 64-4.D.9. of the Zoning Ordinance.

The approval is subject to the following conditions:

- 1) Dumpster to be enclosed on three sides and be connected to the sanitary sewer, as required by Section 64-4.D.9. of the Zoning Ordinance;

- 2) Dumpster enclosure to additionally have doors or gates for the frontage along North Joachim Street, and the gates are to remain closed except when the dumpsters are to be serviced;
- 3) Revision of the site plan to provide understory trees in the vicinity of the dumpster, to be coordinated with Planning staff;
- 4) Subject to Engineering comments (*A Right-of-Way permit, in full compliance with the City of Mobile Right-of-Way Construction and Administration Ordinance, latest edition, shall be required prior to any demolition or construction within the public right-of-way.*);
- 5) Subject to Traffic Engineering comments (*Exact design of the curb cut to be approved by Engineering and Traffic Engineering and conform to AASHTO standards. Removal of the parking meter and any conflicting parking space striping shall be coordinated with Traffic Engineering and at the applicant's expense. Traffic stripe may not be painted over; grinding is required.*);
- 6) Subject to Urban Forestry comments (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).*)
- 7) Subject to Fire comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*); and
- 8) 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.

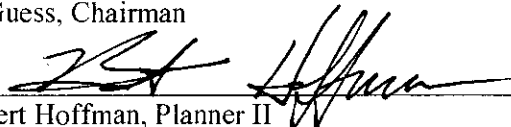
No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before October 7, 2014, the **Access and Maneuvering Variances** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

**BOARD OF ZONING ADJUSTMENT**

William Guess, Chairman

By:

  
Bert Hoffman, Planner II

cc: Cawthon Real Estate Corp  
LWL Architects

/lw