



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

*CORRECTED**

November 10, 2016

JKX4 Enterprises, LLC
712 Pasadena Freeway
Pasadena, TX 77506

Re: **#6064**
(Case #ZON2016-01989)
JKX4 Enterprises, LLC & Star Medical Waste Services, LLC (Joe C. Kappil, Agent)
1917 Brookdale Drive West
(Northwest corner of Brookdale Drive West and Brookdale Drive North).

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

On November 7, 2016, the Board of Zoning Adjustment considered your request for a **Use, Front Landscape Area, and Tree Planting Variances to allow a medical waste facility in an I-1, Light Industry District with reduced frontage landscape area and reduced frontage tree plantings; the Zoning Ordinance requires a minimum of an I-2, Heavy Industry District with Planning Approval for a medical waste facility, and full compliance with landscape area and tree planting requirements** at the above referenced location.

After discussion, the Board determined the following findings of facts for Denial of the Use, Front Landscape Area, and Tree Planting requests:

- 1) Approving the variances will be contrary to the public interest in that the use would be contrary to the established zoning classification, and the site can be redesigned in such a way as to provide a compliant amount of landscaped area as well as the required number of frontage trees;**
- 2) Special conditions (other similar hazardous materials processing businesses operate within the immediate area, and insufficient tree planting area is available) do not exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**

- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the use would be incompatible to an I-1 District, and the required landscape area and frontage trees can readily be provided.**

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.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By: Marie York
Marie York, Planner II

cc: Brookdale Properties, LLC
Element 3 Engineering

/lr