



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

January 8, 2016

Wells Ventures, LLC
c/o Kleban Properties
1189 Post Road
Fairfield, CT 06824

Re: #6022
(Case #ZON2015-02755)
Wells Ventures, LLC
600 Government Street
(Northwest corner of Government Street and South Warren Street).

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

On January 4, 2016, the Board of Zoning Adjustment considered your request for **Use Variance to allow the processing of food and beverage products in a T5.1 Zoning Sub-District in the Downtown Development District** at the above referenced location.

After discussion, the Board determined the followings findings of fact for Approval:

- 1) approving the variance will not be contrary to the public interest in that the proposed project will occupy a currently vacant commercial building;
- 2) special conditions do exist and there are hardships which exist in that the existing structure has been vacant for several years, indicating a lack of market need for the existing structure, as is, necessitating a repurposing of the structure; and
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the proposed use will have limited negative impact on the area.

The Approval should be subject to the following conditions:

- 1) compliance with Engineering comments (*If the variance is approved for use the applicant will need to have the following conditions met: 1. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting. The proposed improvements will need to be submitted for review and 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. 2. Submit a ROW Permit (City of Mobile) for the work within the public ROW.*);

- 2) compliance with Traffic Engineering comments (*The estimated trip generation for this establishment would greatly exceed the estimated trip generation for the previous establishment (automobile care center). As such, the Board should consider requiring the applicant, at a minimum, to close one driveway on Government Street. Since Government Street is an ALDOT maintained roadway, ALDOT approval of the site driveway(s) on Government Street should be necessary. An additional driveway on Warren Street may be appropriate based on ALDOT access management requirements. The proposed parking layout on the south side of the building may require maneuvering in the right-of-way, obstructing the sidewalk. Required access changes on Government Street would be a safety improvement for both vehicles and pedestrians.*);
- 3) compliance with Fire Department comments (*All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)*);
- 4) compliance with 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). The site is located within two historic districts, thus the trimming or removal of any 8 inch or larger tree from the site (other than popcorn, water oak or camphor trees) will require a tree trimming/removal permit. Any proposed trimming or removal of trees within the right-of-way will require an application to the Mobile Tree Commission.*);
- 5) obtain all necessary approvals from the Architectural Review Board; and
- 6) obtain all necessary approvals from the Consolidated Review Committee.

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 July 4, 2016, the **Use Variance** 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: Byrd Surveying, Inc.

/lw