



THE CITY OF MOBILE, ALABAMA
BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

April 13, 2017

State Street Land, LLC
740 Museum Drive
Mobile, AL 36603

Re: #6099
(Case #BOA-000017-2017)
State Street Land, LLC
206 State Street
(North side of State Street, 92'± East of North Joachim Street).

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

On April 3, 2017, the Board of Zoning Adjustment considered your request for a **Use Variance to allow a brew pub in a T-4 Sub-District within the Downtown Development District; the Zoning Ordinance requires a minimum of a T-6 Sub-District within the Downtown Development District for a brew pub** at the above referenced location.

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

- 1) approving the variance will not be contrary to the public interest in that the applicant is agreeable to conditions as brought forth by the DeTonti Square Neighborhood Association;**
- 2) special conditions do exist and there are hardships which exist in that the building has been vacant for several years; and**
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance as it is the Board's opinion that the Downtown Development District zoning is arbitrary and doesn't consider individual buildings.**

Therefore, this application is recommended for approval, subject to the following conditions:

- 1) Full compliance with City of Mobile noise restrictions in Sec. 39-96 (boom box) and Sec. 39-96.1 (amplified sound in residential district); except for special events that are permitted by the City Council;
- 2) No outdoor music/entertainment at any time whether live, amplified or acoustic;
- 3) Restaurant/pub is only allowed on ground floor (approximately 4,000 square feet) and restaurant may not expand upstairs or into adjacent lot; and
- 4) Hours of operation: no later than 10 p.m. on weekdays and no later than 11 p.m. on weekends.

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 3, 2017, 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: Marie York
Marie York, Planner II

/lr