



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

January 8, 2016

Michael Spina
5054 Cottage Hill Road
Mobile, AL 36609

Re: #6023/5672/5608
(Case #ZON2015-02756)
Michael Spina
1252 Government Street
(North side of Government Street, 55'± West of South Georgia Avenue).

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

On January 4, 2016, the Board of Zoning Adjustment considered your request for **Use, Tree Planting and Landscape Variances to amend previously approved variances to allow a restaurant in a B-1, Buffer Business District, and no tree plantings or landscaping** 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 subject site has been used a restaurant since the 1960's;**
- 2) **special conditions do exist and there are hardships which exist in that the site is almost 100% developed and there is not sufficient room for tree plantings and landscaped area; 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 site has been used as a restaurant for over 50 years without tree plantings and landscaped area.**

The Approval should be subject to the following conditions:

- 1) **hours of operation be limited to 10:00 AM to 11:00 PM Sunday — Thursday and from 10:00 AM to 12:00 AM on Friday and Saturday;**
- 2) **provision that the dumpster pick-up be between 9:00 AM and 9:00 PM on weekdays only;**

- 3) provision that deliveries are restricted to 9:00 AM to 6:00 PM;
- 4) revision of the site plan to illustrate one additional parking space at the rear of the site, behind the building;
- 5) the site not be allowed the sales of alcohol;
- 6) the smoker be limited to the hours of operation, if applicable;
- 7) lighting of the site to focus only on the site and not overflow to the adjacent residential properties;
- 8) revision of the site plan to indicate a 6' high, wooden privacy fence along the North property line;
- 9) provision of a revised site plan to the Planning & Zoning Development prior to the issuance of any permits or land disturbance activities; and
- 10) full compliance with all other 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 July 4, 2016, the **Use, Tree Planting and Landscape 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: Rowe Engineering and Surveying, Inc.

/lw