

**BOARD OF ZONING ADJUSTMENT
LETTER OF DECISION**

May 3, 2011

Elbert Wingfield
1111 Government St.
Mobile, AL 36604

Re: **#5672/5608**
(Case #ZON2011-00875)
Tamara Taylor

1252 Government Street

(North side of Government Street, 55'± West of South Georgia Avenue).

Use, Tree Planting and Landscaping Variances to allow a restaurant in a B-1, Buffer Business District and no tree plantings or landscaping; the Zoning Ordinance requires minimum B-2, Neighborhood Business District zoning for a restaurant and full compliance with tree planting and landscaping requirements.

Dear Applicant/Property Owner:

On May 2, 2011, the Board of Zoning Adjustment approved a variance **to allow a restaurant in a B-1, Buffer Business District and no tree plantings or landscaping**, subject to the following conditions:

- 1) hours of operation be limited to 6:00 AM – 6:00 PM;**
- 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 the hours of operation;**
- 4) the site not be allowed the sales of alcohol;**
- 5) the smoker be limited to the hours of operation;**
- 6) lighting of the site to focus only on the site and not overflow to the adjacent residential properties;**
- 7) provision of a hedge or fence along the North property line, to be approved by the Architectural Review Board;**
- 8) provision of a dumpster, screened from view and in compliance with Section 64-4.D.9 of the Zoning Ordinance;**

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- 9) provision of a revised site plan to the Planning Section of Urban 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 November 2, 2011, the **Use, Tree Planting and Landscaping 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: Moseley Surveying

sg