



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

September 10, 2014

Cowles, Murphy, Glover & Associates
457 St. Michael Street
Mobile, AL 36602

Re: #5915/5272/3366/3139
(Case #ZON2014-01700)
Gary D.E. Cowles
1757 Government Street
(Southwest corner of Government Street and Weinacker Avenue).
Use, Access/Maneuvering, and Tree Planting Variances to allow a banquet venue with parking nose-in/back-out within a right-of-way, with no additional tree plantings in a B-1, Buffer Business District

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

On September 8, 2014, the Board of Zoning Adjustment considered your request for **Use, Access/Maneuvering, and Tree Planting Variances to allow a banquet venue with parking nose-in/back-out within a right-of-way, with no additional tree plantings in a B-1, Buffer Business District** at the above referenced location.

After discussion, the Board approved the request, finding that:

- 1) Approving the variance requests will not be contrary to the public interest due to the fact the site has been used commercially and the proposed business could be considered a continuation of a similar commercial use;
- 2) Special conditions exist, including the current site conditions, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance due to the fact that the applicant will improve the site and will be required to provide residential buffering, will have paved and compliant parking, will comply with

the overall tree and landscape requirements, and will have a similar type use as previously used on this property.

The approval is subject to the following conditions:

- 1) Removal of the existing cable from the alley right-of-way;
- 2) Compliance with all applicable codes and ordinances;
- 3) Approval limited to the revised site plan; and
- 4) Obtaining of land disturbance, right-of-way, tree removal and building related permits as appropriate.

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.

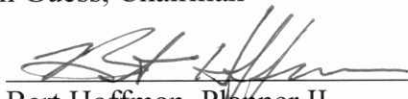
No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before March 8, 2015, the **Use, Access/Maneuvering, and Tree Planting Variances** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:


Bert Hoffman, Planner II

cc: William J. Cutts