



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

****CORRECTED****

December 8, 2016

Steve Stone
52 Bienville Ave
Mobile, AL 36606

Re: #6067/6022
(Case #ZON2016-02151)
Steve Stone (Authorized Agent)
600 Government Street
(Northwest corner of Government Street and South Warren Street).

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

On December 5, 2016, the Board of Zoning Adjustment considered your request for a **Use, Site, and Sign Variances to allow the processing of food and beverage products, the erection of an alternative vegetative screening type, and a wall sign to project beyond the roof line in a T5.1 Zoning Subdistrict in the Downtown Development District; the Zoning Ordinance requires a minimum of a SD-WH Subdistrict to allow the processing of food and beverage products, shrubs as screening, and signs not to extend beyond the roofline in the Downtown Development District at the above referenced location.**

USE Variance: After discussion, the Board determined the following findings of facts 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 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)*);
- 2) 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)*);
- 3) obtain all necessary approvals from the Architectural Review Board;
- 4) obtain all necessary approvals from the Consolidated Review Committee; and
- 5) full compliance with all other municipal codes and ordinances, including the appropriate permitting of all improvements.

SITE Variance: 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 proposed vegetative screening will achieve the same screening and buffering intent;
- 2) special conditions do exist and there are hardships which exist in that the existing parking area and drainage are immediately abutting the property line along South Warren Street, limiting the planting area available for compliance; 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 alternative vegetative screening will only be used on a portion of the site.

The Approval should be subject to the following conditions:

- 1) 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)*);
- 2) 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)*);
- 3) obtain all necessary approvals from the Architectural Review Board;
- 4) obtain all necessary approvals from the Consolidated Review Committee; and
- 5) full compliance with all other municipal codes and ordinances, including the appropriate permitting of all improvements.

SIGN Variance: 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 proposed sign will only slightly exceed the height limits, and will be well under the allowable width limits;
- 2) special conditions do exist and there are hardships which exist in that the logo design is not conducive to compression or elongation without losing branding or legibility; 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 sign will

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otherwise comply with the material and illumination requirements of the Zoning Ordinance.

The Approval should be subject to the following conditions:

- 1) obtain all necessary approvals from the Architectural Review Board;**
- 2) obtain all necessary approvals from the Consolidated Review Committee; and**
- 3) full compliance with all other municipal codes and ordinances, including the appropriate permitting of all improvements.**

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 June 5, 2017, the **Use Variance, Site Variance and Sign 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

cc: Immoblier, LLC

/lr