



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

****CORRECTED****

August 8, 2016

Bienville Square Hotel, LLC
3536 Independence Drive
Birmingham, AL 35209

Re: #6051/5882
(Case #ZON2016-01432)
Bienville Square Hotel, LLC
15 North Conception Street
(Southwest corner of North Conception Street and St. Francis Street, extending to the East side of North Joachim Street, 88'± South of St. Francis Street).

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

On August 1, 2016, the Board of Zoning Adjustment considered your request for **Access and Maneuvering Variance and Site Variance** to amend a previously approved Variance to allow relocation of a dumpster/compactor with maneuvering to occur within the right-of-way, and to allow modifications to the site plan to include a parking court for food trucks in a Downtown Development District T5.2 Sub-District at the above referenced location.

After discussion, the Board determined the following findings of fact for Denial of the proposed Access and Maneuvering Variance and Site Variance:

- 1) Approving the variance will be contrary to the public interest due to the potential safety issues associated with employees within a two block area bringing trash to the compactor on the site, and the competition provided by food trucks to existing restaurants;
- 2) Special conditions do not exist, in that the hotel has obtained approval previously to have a dumpster on site, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the applicant and the surrounding neighborhood by granting the variance due to the fact

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that there may be negative impacts associated with the compactor, such as safety concerns, bad odors, and rodents, and the competition provided by food trucks to existing restaurants.


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.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:


Bert Hoffman, Principal Planner

cc: Cawthon Real Estate Corp.
Lbyd, Inc.

/lr