

APPLICATION NUMBER

5227

A REQUEST FOR

**HEIGHT VARIANCE TO ALLOW A 62' TALL HOTEL IN
A B-3, COMMUNITY BUSINESS DISTRICT; A MAXIMUM
HEIGHT OF 45' IS ALLOWED IN A B-3, COMMUNITY
BUSINESS DISTRICT.**

LOCATED AT

(Southeast corner of Western America Circle and Western America Drive)

APPLICANT

**HOTEL COMPANY OF MOBILE, LLC
(DON WILLIAMS, AGENT)**

BOARD OF ZONING ADJUSTMENT

FEBRUARY 2004

The applicant is requesting Height Variance to allow a 62' tall hotel in a B-3, Community Business District; a maximum height of 45' is allowed in a B-3, Community Business District.

The applicant states that the intersection of I-65 and Airport Boulevard is heavily developed and due to the scarcity of available land, the best way to develop is up. In addition, the applicant states that site has several neighboring multi-story buildings.

There are some concerns associated with the applicant's request. The first deals with the height issue. Section IV.C.3. of the Zoning Ordinance states that for the purpose of permitting variety in the shape and bulk of structures, part of a main structure may be erected or altered to a height exceeding that specified for the district in which the structure is located. However, a volume of space at least equal to the volume of space occupied by the part of the structure exceeding the height limit is provided and kept open below the height limit. It is intended that such open space below the height limit shall compensate for the excess bulk, and the compensating open space shall be provided on the same building site. The applicant's design does not allow for the compensation of open space.

It appears the applicant is basically overbuilding the property and the applicant has not submitted any documentation illustrating that the property could not be developed without a height variance. It should be noted that other B-3 uses could utilize this property and comply with the height requirements of the Ordinance.

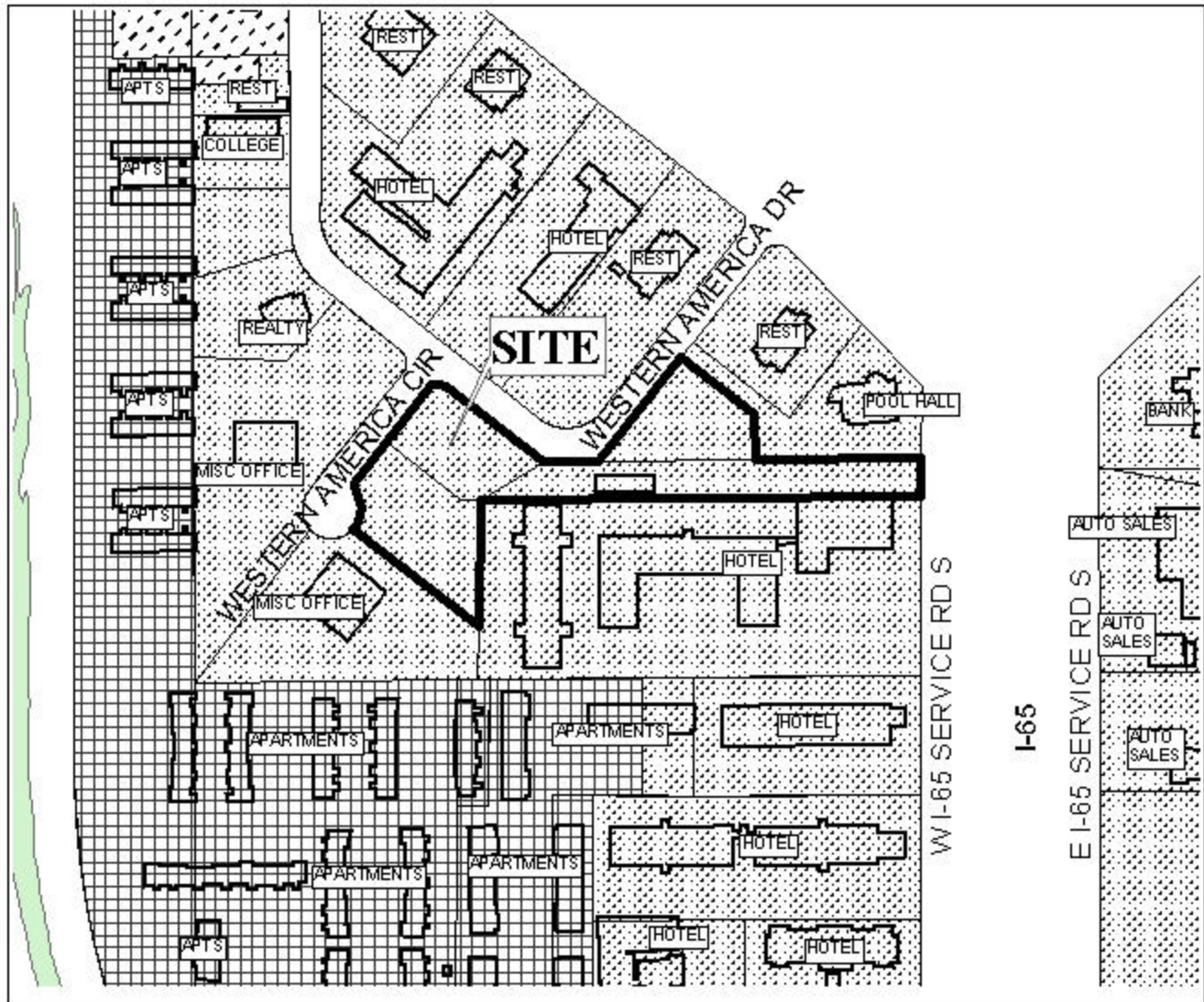
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed, and substantial justice done to the applicant and the surrounding neighborhood.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to exceed the height limit without providing compensation for open space.

RECOMMENDATION 5227**Date: February 2, 2004**

Based upon the preceding, this application is recommended for denial.

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous hotels, restaurants, and offices, with a pool hall located to the North.

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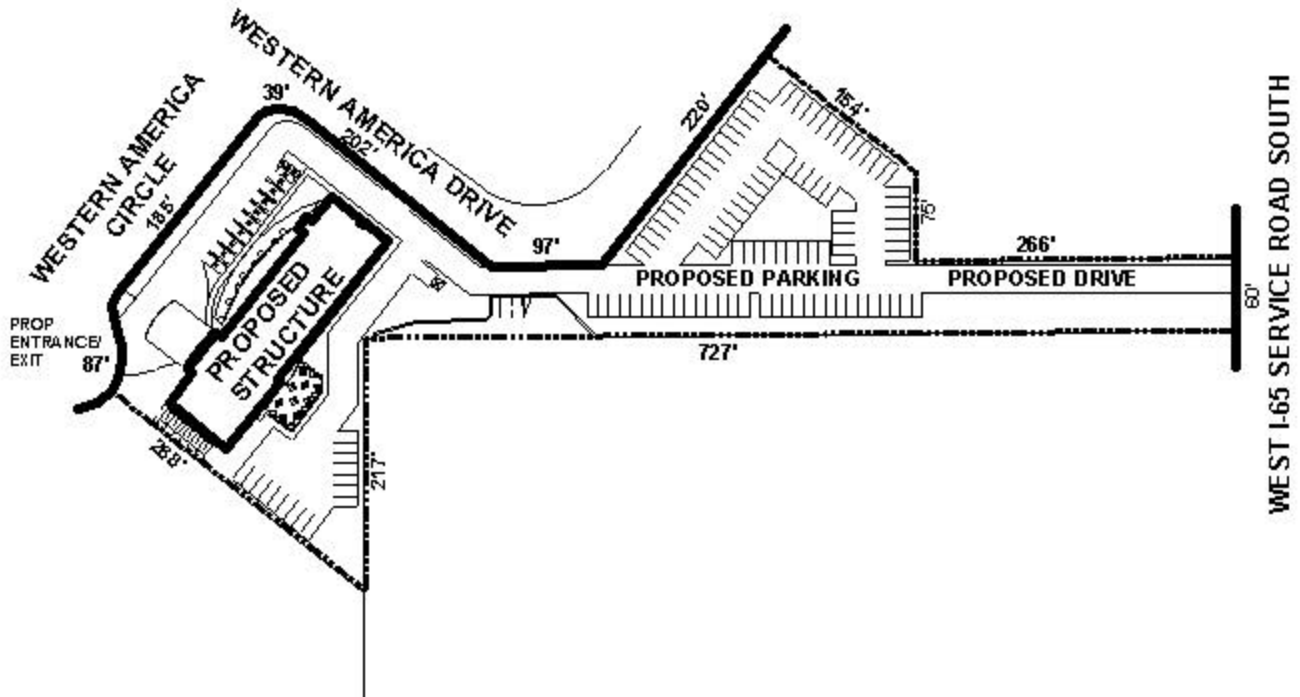
APPLICANT Hotel Company of Mobile, LLC (M. Don Williams, Agent)

REQUEST Height Variance

LEGEND



SITE PLAN

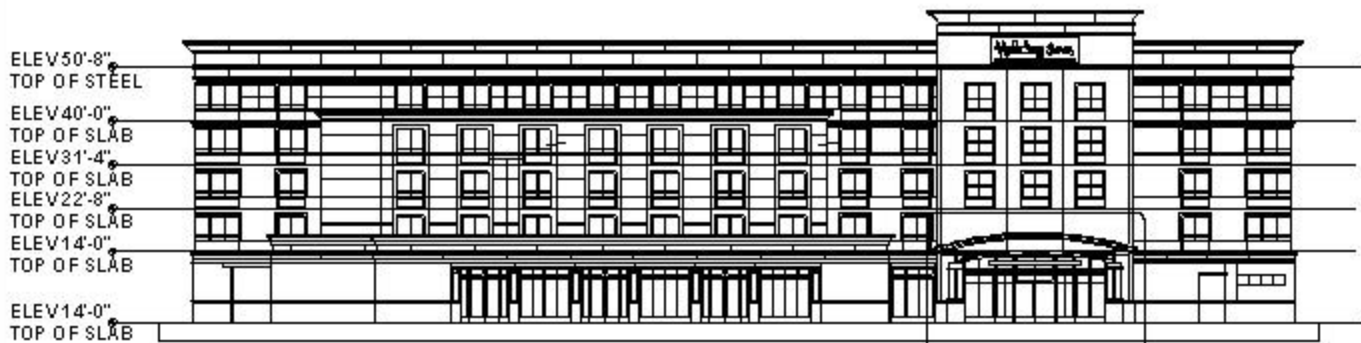


The site is located on the Southeast corner of Western America Circle and Western America Drive. The plan illustrates the proposed structure and parking.

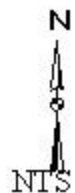
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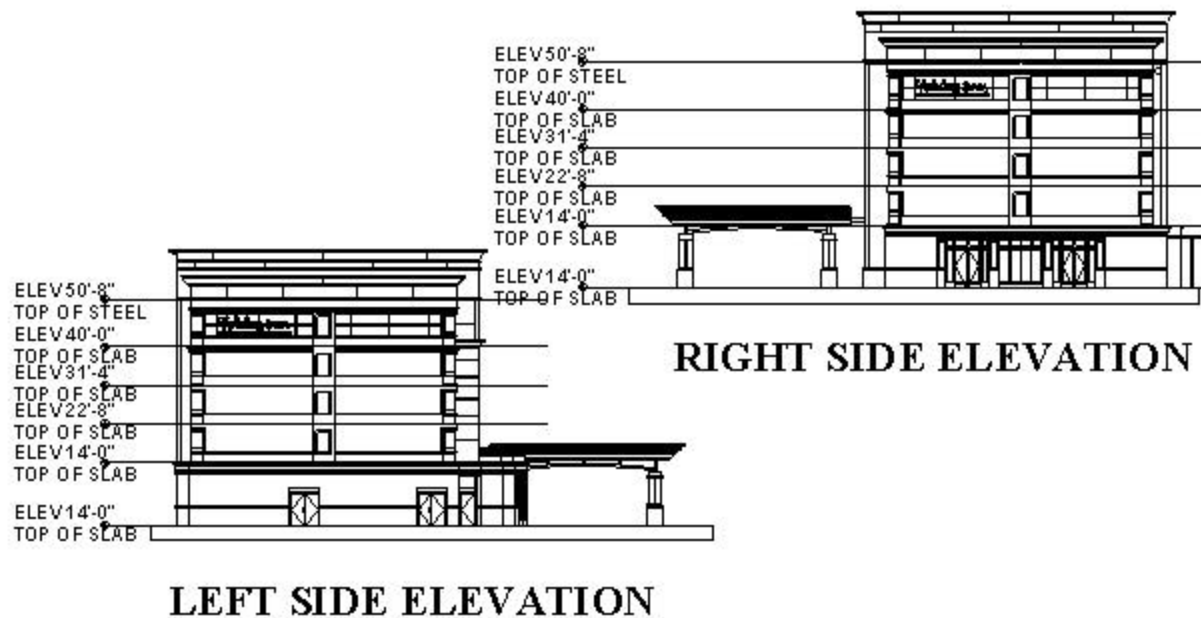
DETAIL SITE PLAN



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