

Bond Case Briefs

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ZONING - ALABAMA

Birmingham Derby Club, Inc. v. City of Birmingham

Court of Civil Appeals of Alabama - June 21, 2013 - So.3d - 2013 WL 3155025

Applicant for lounge liquor license and dance permits pertaining to planned adult-entertainment establishment sought judicial review of city council's denial of applications.

The Court of Civil Appeals held that:

- Applicant failed to timely seek judicial review of denial of liquor license application, and
- City properly denied application for dance permit.

City properly denied applicant's application for dance permit pertaining to planned adult-entertainment establishment involving semi-nude dancing, where, at hearing, city council heard statements from owners of residences located within 750 feet of the proposed adult establishment who noted the adverse effects on traffic and parking that had resulted during the two-year operation of the former adult establishment on the subject premises and their concerns that similar problems would result if application was to be granted. Subject property had been zoned for light industrial use and had been sold for the purpose of being used as a tire store, and 449 signatures had been affixed to petitions seeking denial of the application.