



Agenda Item # 2
BOA-002543-2023

View additional details on this proposal and all application materials using the following link:
[Applicant Materials for Consideration](#)

DETAILS

Location:
63 North Julia Street

Applicant / Agent:
Charles B. Matthews, Jr.

Property Owner:
Charles B. Matthews, Jr.

Current Zoning:
R-1, Single-Family Residential Urban

Future Land Use:
Mixed Density Residential

Case Number(s):
6530

Unified Development Code Requirement:

- The Unified Development Code (UDC) does not allow a commercial kitchen in an R-1, Single-Family Residential Urban District.

Board Consideration:


- A Use Variance request to allow a commercial kitchen in an R-1, Single-Family Residential-Urban District.

Report Contents:	Page
Context Map	2
Site History	3
Staff Comments	3
Variance Considerations	4
Exhibits	5

BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER <u>6530</u>	DATE <u>August 7, 2023</u>	 NTS
APPLICANT <u>Charles B. Matthews, Jr.</u>		
REQUEST <u>Use Variance</u>		

SITE HISTORY

The subject site has no history of past applications before the Board of Zoning Adjustment or the Planning Commission. The application at hand is the first variance request for the site.

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

No comments.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

This will be an IBC change of occupancy requiring a building permit. The permit will require a full set of architectural plans submitted for review by all trades. It is recommended that the owner request a pre-development meeting. Our standard access and water supply requirements will apply to this structure the same as any other commercial business in the city.

Planning Comments:

The applicant is requesting a Use Variance to allow a commercial kitchen in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) does not allow a commercial kitchen in an R-1, Single-Family Residential Urban District.

The applicant states that the site would be used as a commercial kitchen for the blending and packaging of spices and seasonings. No delivery or pick-up trucks would come to the site, and there would only be one or two employees and one or two vehicles parking on the site. No retail sales are proposed at the site. Hours of operation would be Monday through Friday from 4:00 PM to 8:00 PM, and Saturday and Sunday depending on needs.

All application documentation and narrative are available via the link on page 1 of this report.

The site plan submitted indicates that the site would retain its current configuration with no facilities expansion or changes proposed, other than a Health Department-approved can wash on the rear (South) end of the existing dwelling. The change in use of the site from residential to commercial would require compliance with Section 64-3 of the Unified Development Code (UDC) with regard to the number of compliant on-site parking spaces required (4); vehicle access and maneuvering area; a 24-foot wide driveway; landscaping; tree plantings; dumpster(s); and residential buffering. No commercial site compliance is indicated on the site plan, and the applicant requests relief from the commercial site compliance requirements as the residential character of the site is proposed to be retained. However, the site is to be used as a commercial operation, and no evidence was provided to illustrate a hardship associated with the actual property that would preclude its continued use as a home.

It should be noted that if approved, the proposed commercial kitchen will be required to comply with Building, Plumbing, Electrical, and Mechanical Codes, in addition to Fire and Health Department requirements, with all appropriate permits and inspections.

VARIANCE CONSIDERATIONS

Standards of Review:

Variations are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that the request satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest;
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states no variance shall be granted:

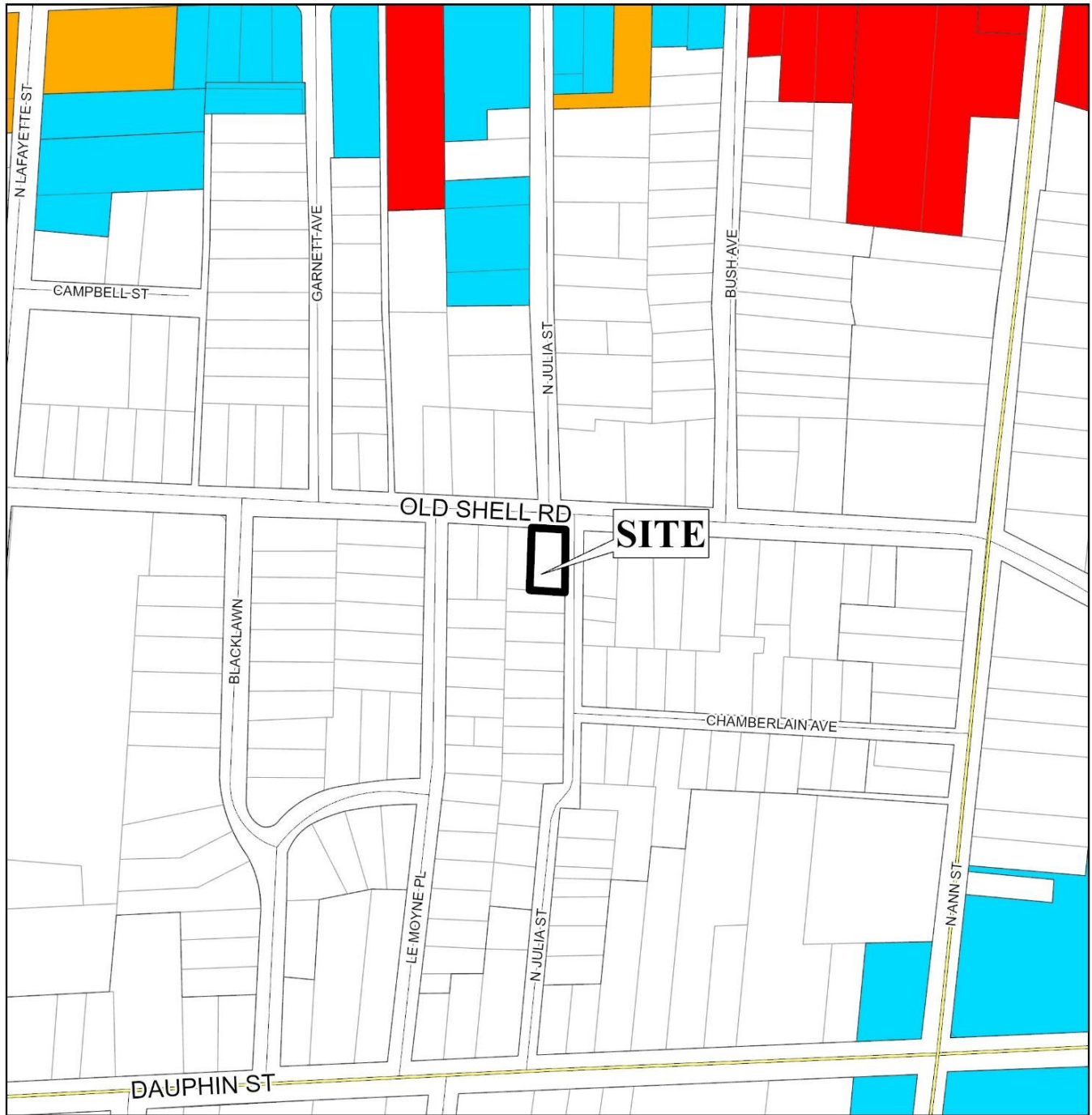
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

- 1) The variance **will not** be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- 3) The spirit of the chapter **shall** be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

LOCATOR ZONING MAP



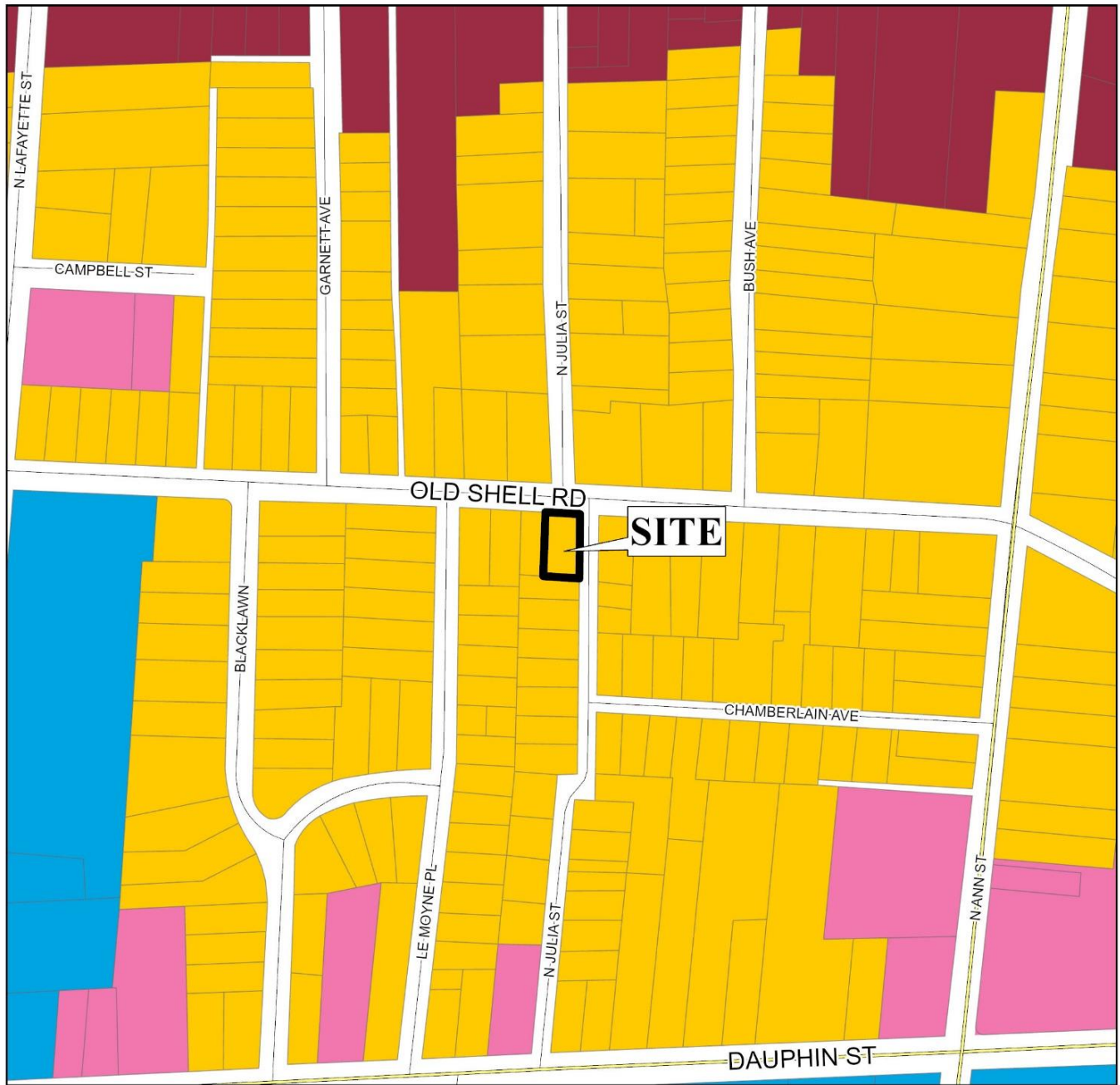
APPLICATION NUMBER 6530 DATE August 7, 2023

APPLICANT Charles B. Matthews, Jr.

REQUEST Use Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6530 DATE August 7, 2023

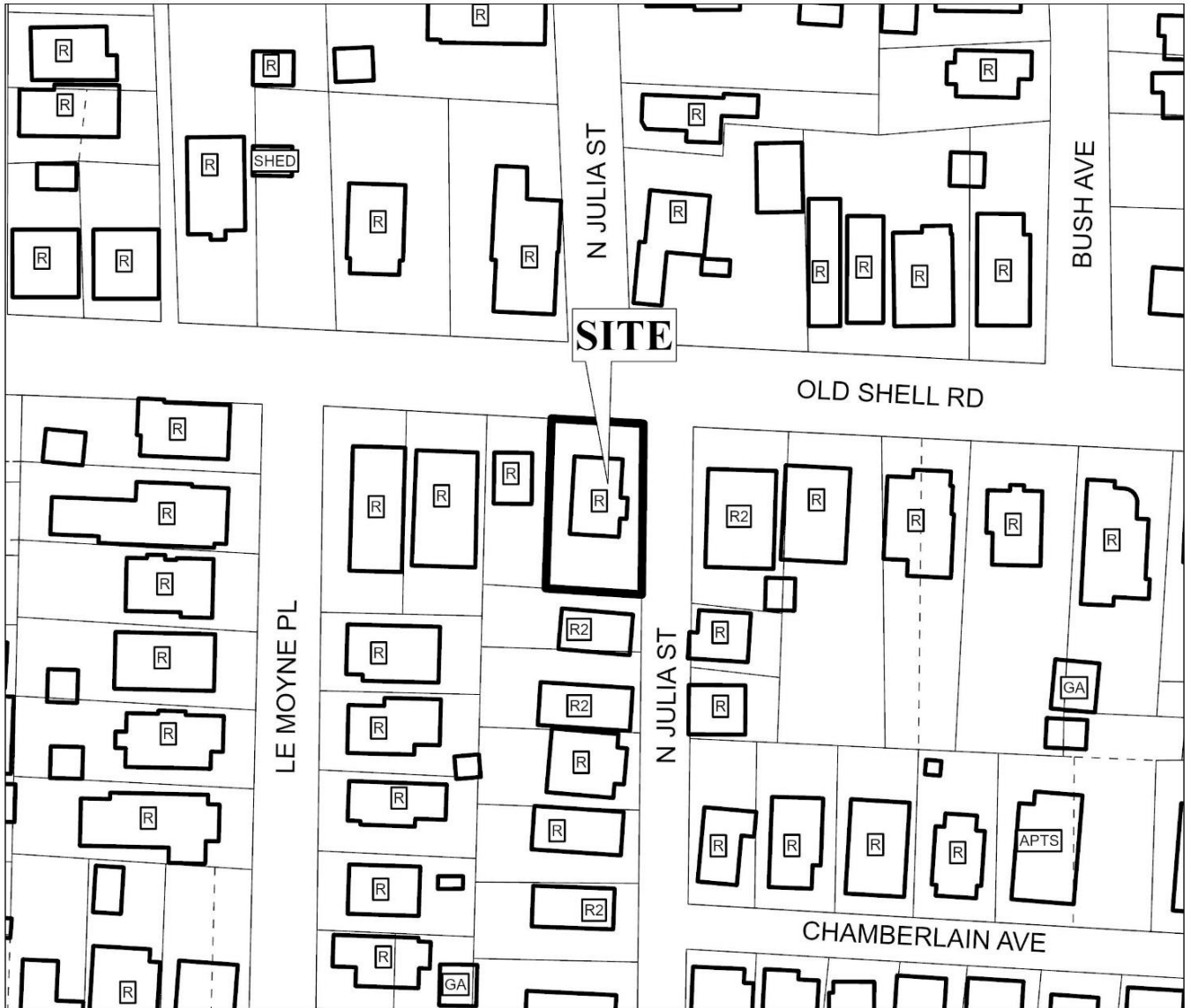
APPLICANT Charles B. Matthews, Jr.

REQUEST Use Variance


- | | | | |
|---|--|--|--|
| ■ Low Density Residential | ■ Neighborhood Center - Traditional | ■ Downtown Waterfront | ■ Parks & Open Space |
| ■ Mixed Density Residential | ■ Neighborhood Center - Suburban | ■ Light Industry | ■ Water Dependent |
| ■ Downtown | ■ Traditional Corridor | ■ Heavy Industry | |
| ■ District Center | ■ Mixed Commercial Corridor | ■ Institutional | |



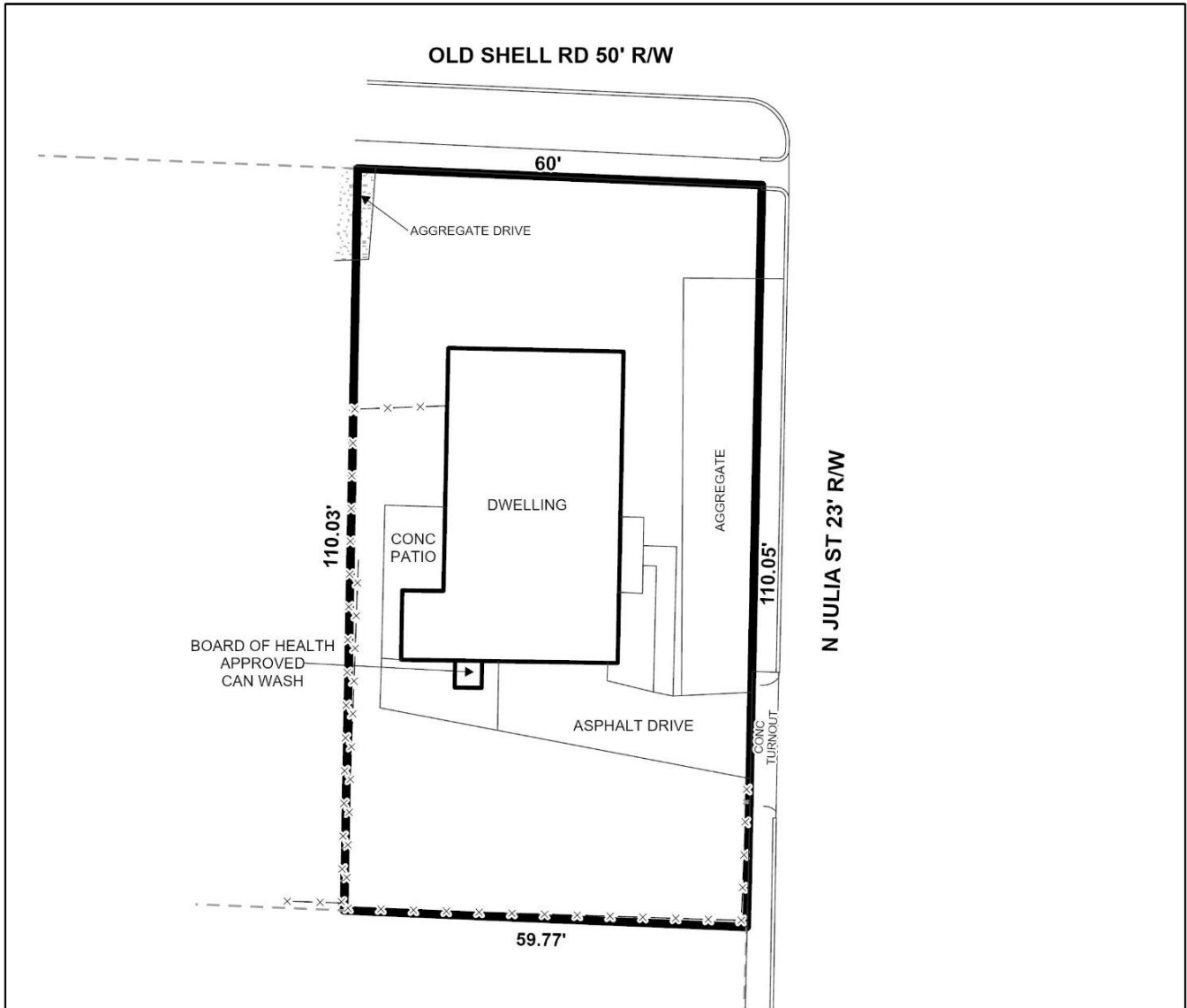
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by residential units.

APPLICATION NUMBER <u>6530</u>	DATE <u>August 7, 2023</u>																															
APPLICANT <u>Charles B. Matthews, Jr.</u>																																
REQUEST <u>6530</u>																																
<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>			 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2	 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6	 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	
 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2																							
 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6																							
 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1																								

SITE PLAN

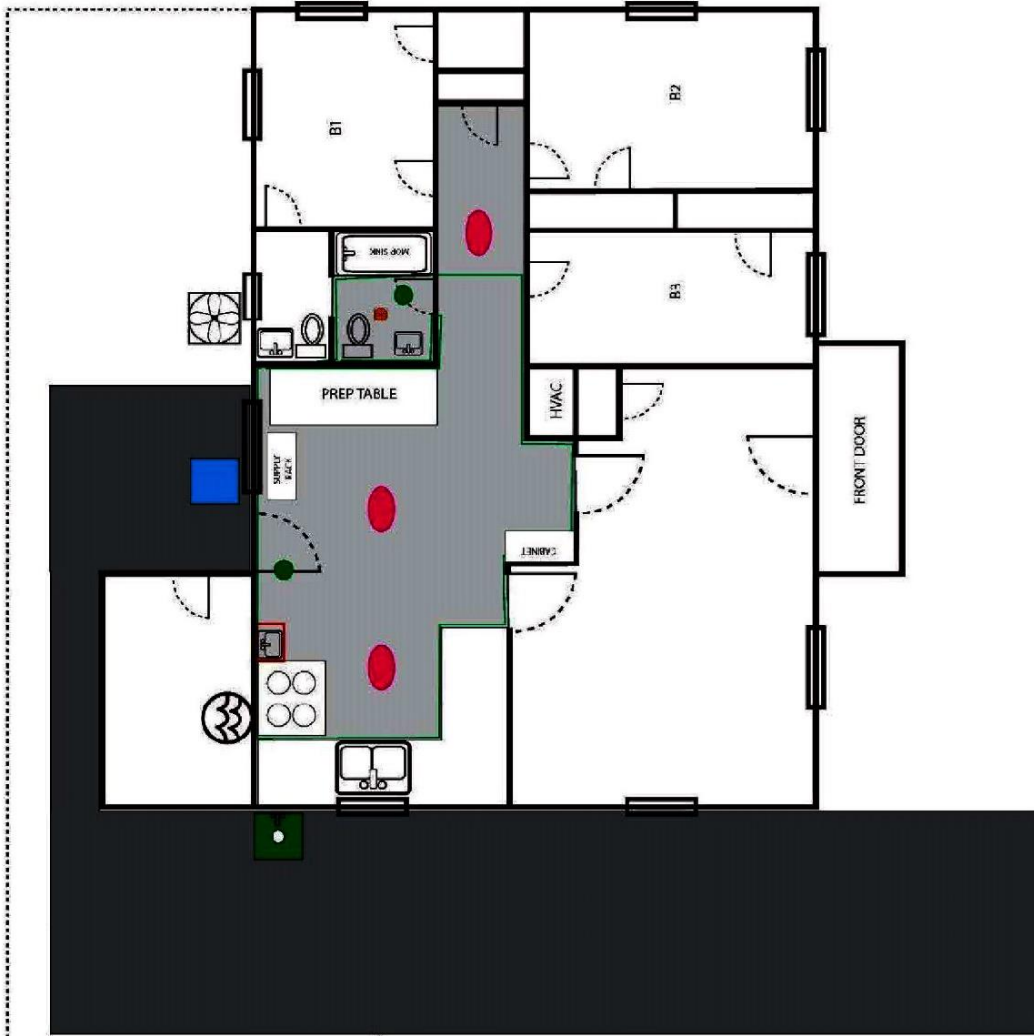


The site plan illustrates the existing dwelling drive, can wash, and fencing.

APPLICATION NUMBER <u>6530</u> DATE <u>August 7, 2023</u>	
APPLICANT <u>Charles B. Matthews, Jr.</u>	
REQUEST <u>Use Variance</u>	

DETAIL SITE PLAN

Old Shell



North Julia

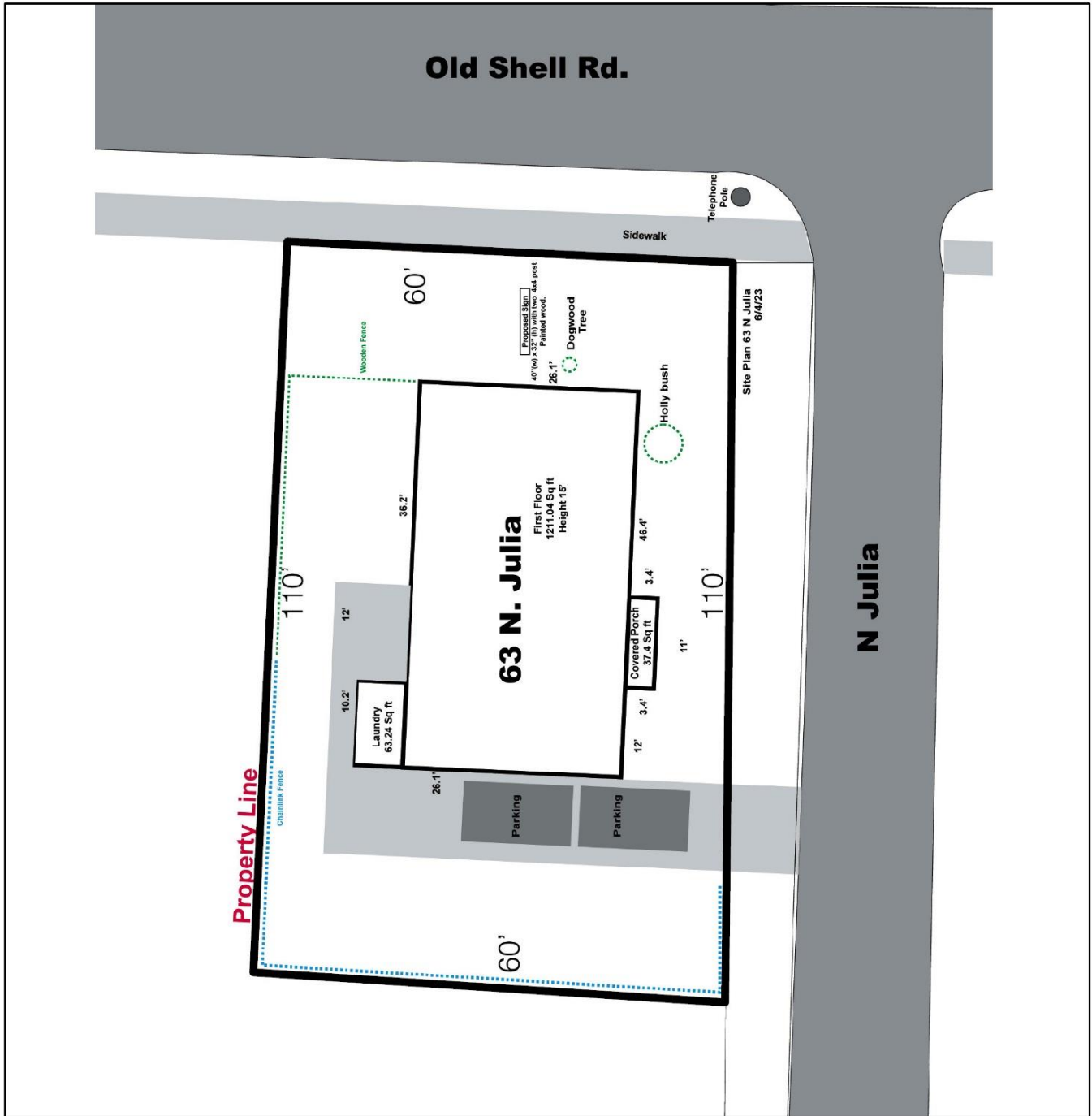
APPLICATION NUMBER 6530 DATE August 7, 2023

APPLICANT Charles B. Matthews, Jr.

REQUEST Use Variance



DETAIL SITE PLAN



APPLICATION NUMBER 6530 DATE August 7, 2023

APPLICANT Charles B. Matthews, Jr.

REQUEST Use Variance



NTS

ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

MIXED DENSITY RESIDENTIAL (MxDR)

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like LDR areas, MxDR areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.