

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 3, 2022****CASE NUMBER**

6441

APPLICANT NAME

Tonique Burns

LOCATION

870 Carleton Avenue
(North side of Carleton Avenue at the North terminus of
Wright Street).

VARIANCE REQUEST

USE: Use Variance to allow a maximum of ten (10)
children in a home-based child day care business in an R-1,
Single-Family Residential District.

**ZONING ORDINANCE
REQUIREMENT**

USE: The Zoning Ordinance does not allow more than six
(6) children in a home-based child day care business in an
R-1, Single-Family Residential District.

ZONING

R-1, Single-Family Residential District.

AREA OF PROPERTY

0.23± Acre

**CITY COUNCIL
DISTRICT**

District 1

**ENGINEERING
COMMENTS**

If the proposed variance is approved the applicant will need
to have the following conditions met:

1. If any site improvements are proposed contact land.disturbance@cityofmobile.org to see what type of Land Disturbance Permit will be required.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

**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**

This variance being allowed will require that the residential daycare be considered a commercial daycare requiring the daycare to submit permits for approval from all trades.

ANALYSIS

The applicant is requesting an extension of a previously approved Use Variance to allow a maximum of ten (10) children in a home-based child day care business in an R-1, Single-Family Residential District.

The site was granted approval, subject to the following conditions, by the Board at its February 7, 2022 meeting:

1. *Compliance with all requirements of the Alabama Department of Human Resources for daycare facilities with 12 children;*
2. *Compliance with all Fire requirements for daycare facilities with 12 children; and*
3. *Full compliance with all other municipal codes and ordinances.*

The applicant provided the following statement regarding the extension request:

Site plans are under review waiting on approval.

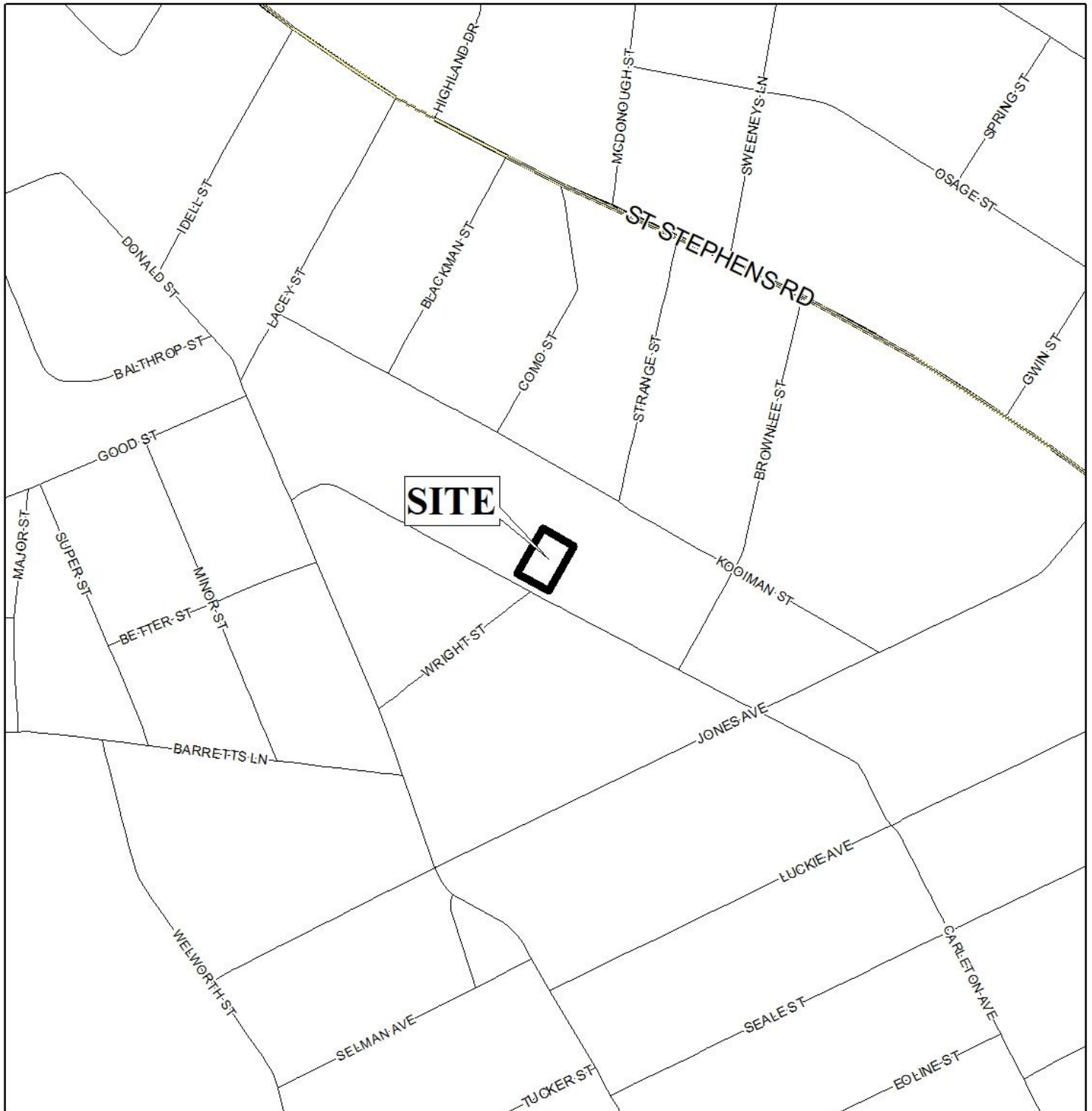
This is the first extension request since the initial approval.

There have been no changes in the area, nor have there been any changes to the regulations that would impact previous approvals. However, since the Board granted the variance, legal counsel has advised both staff and the Board that variances are not the most appropriate route for home daycares wishing to expand. As the new Unified Development Code (UDC) has recently been approved by the City Council, and will go into effect in January 2023, with a process for home daycares to file a Conditional Use Approval to allow expansion to between seven (7) and twelve (12) children, it is suggested that the applicant pursue that type of approval.

RECOMMENDATION:

Based on the preceding, the request for a 6-month extension of approval is recommended for Denial.

LOCATOR MAP



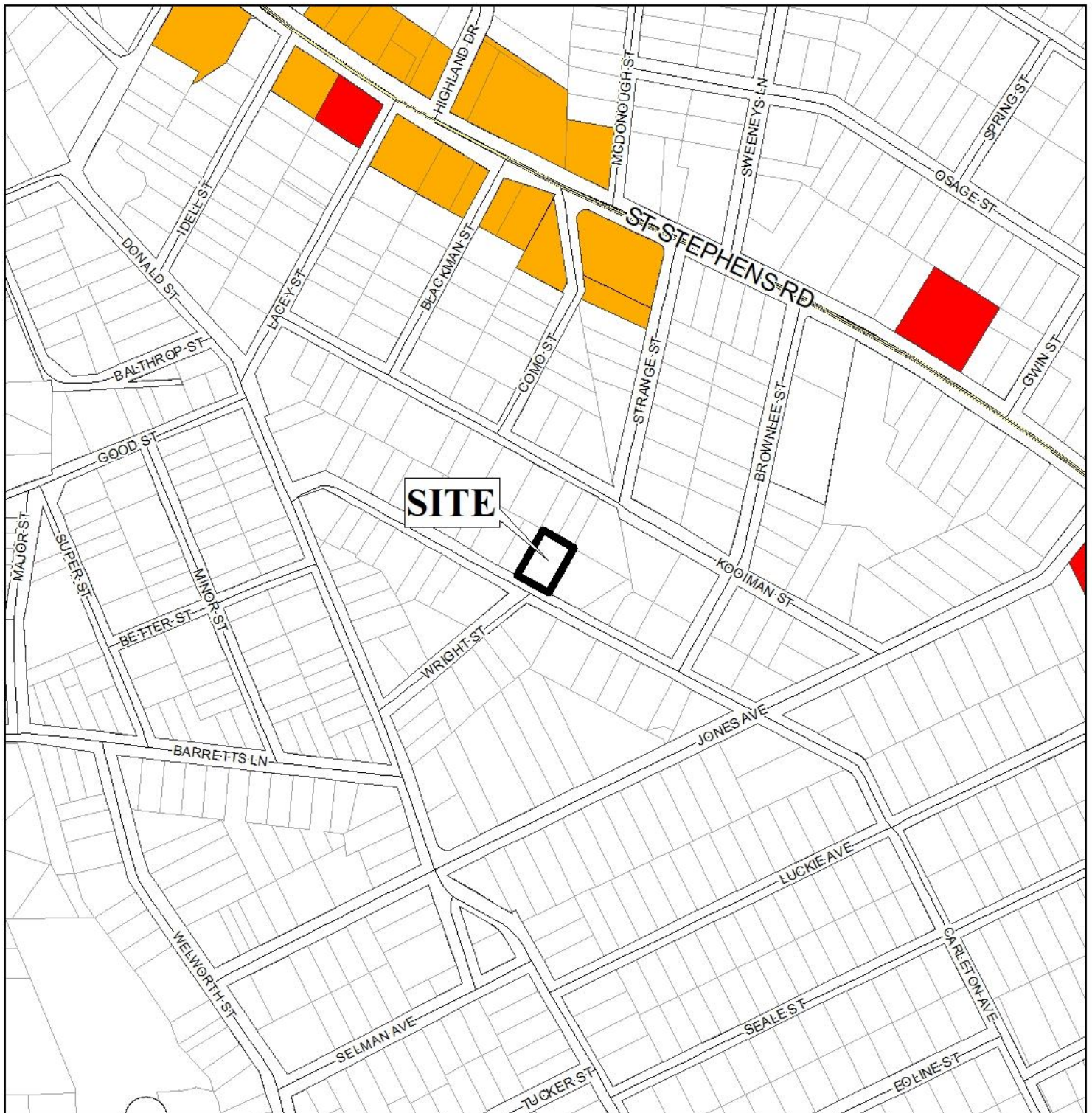
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APPLICANT Tonique Burns

REQUEST Use Variance



LOCATOR ZONING MAP



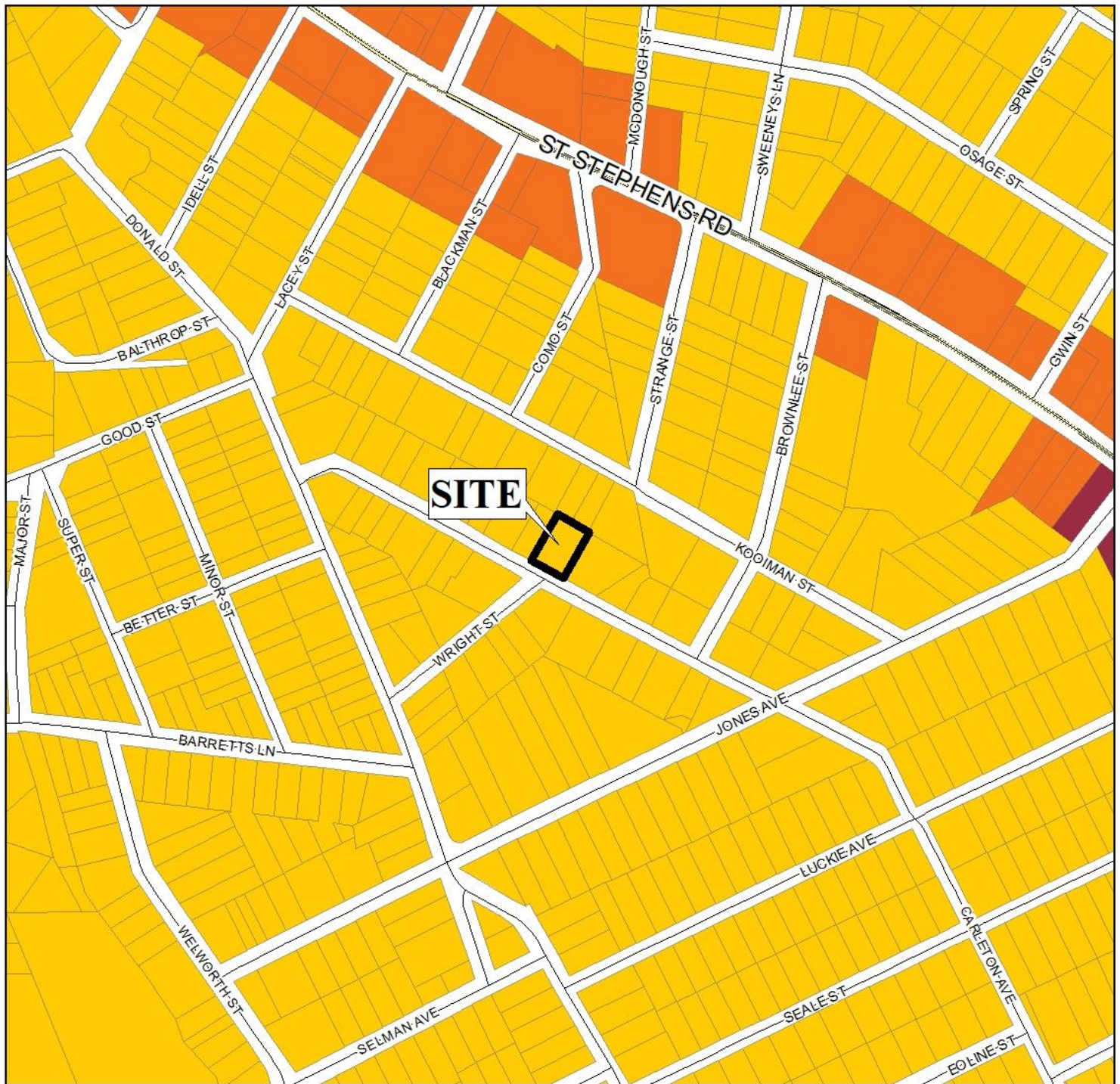
APPLICATION NUMBER 6441 DATE October 3, 2022

APPLICANT Tonique Burns

REQUEST Use Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6441 DATE October 3, 2022

APPLICANT Tonique Burns

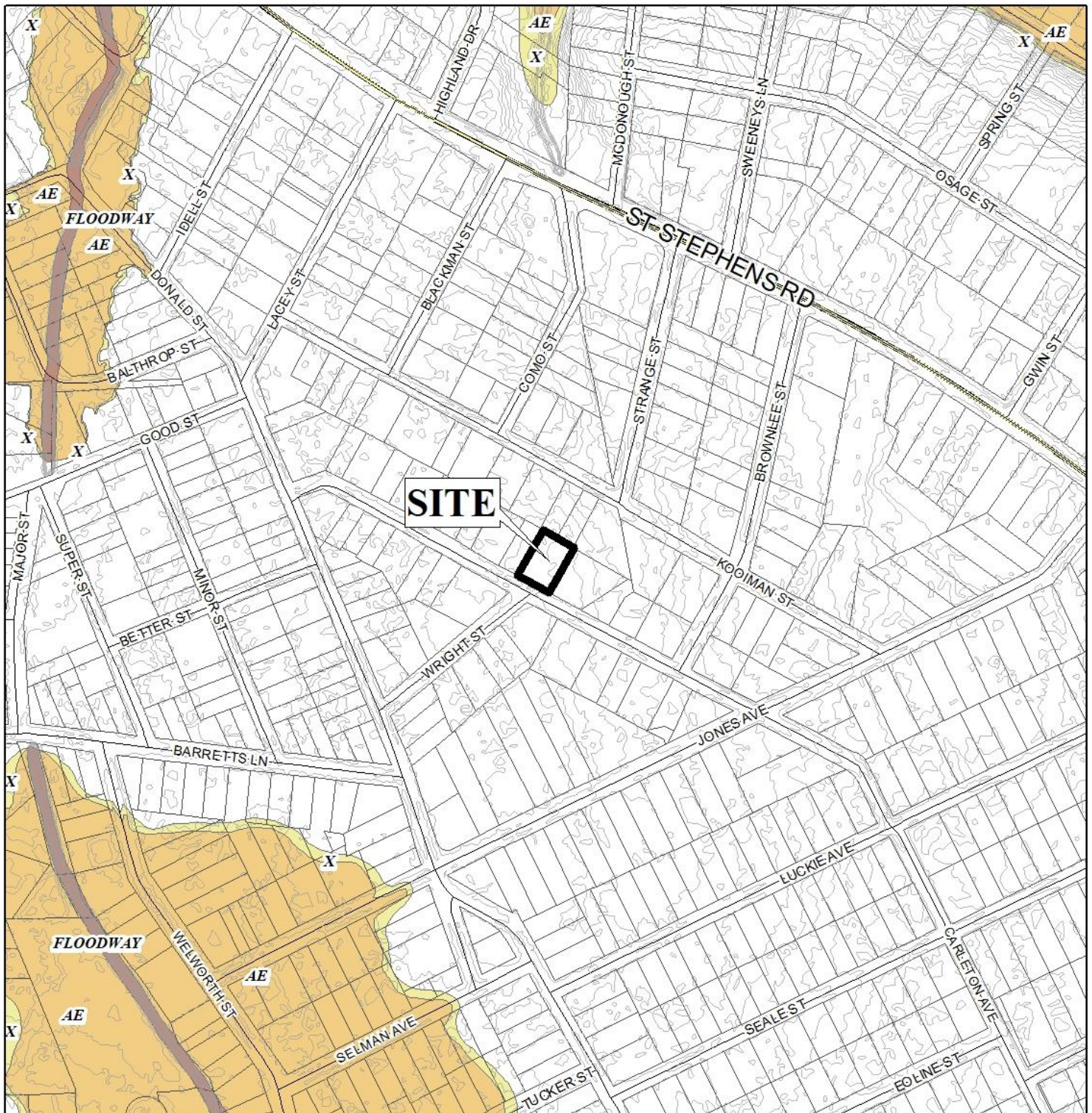
REQUEST Use Variance

- | | | | |
|---|---|---|--|
| 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 | |



NTS

ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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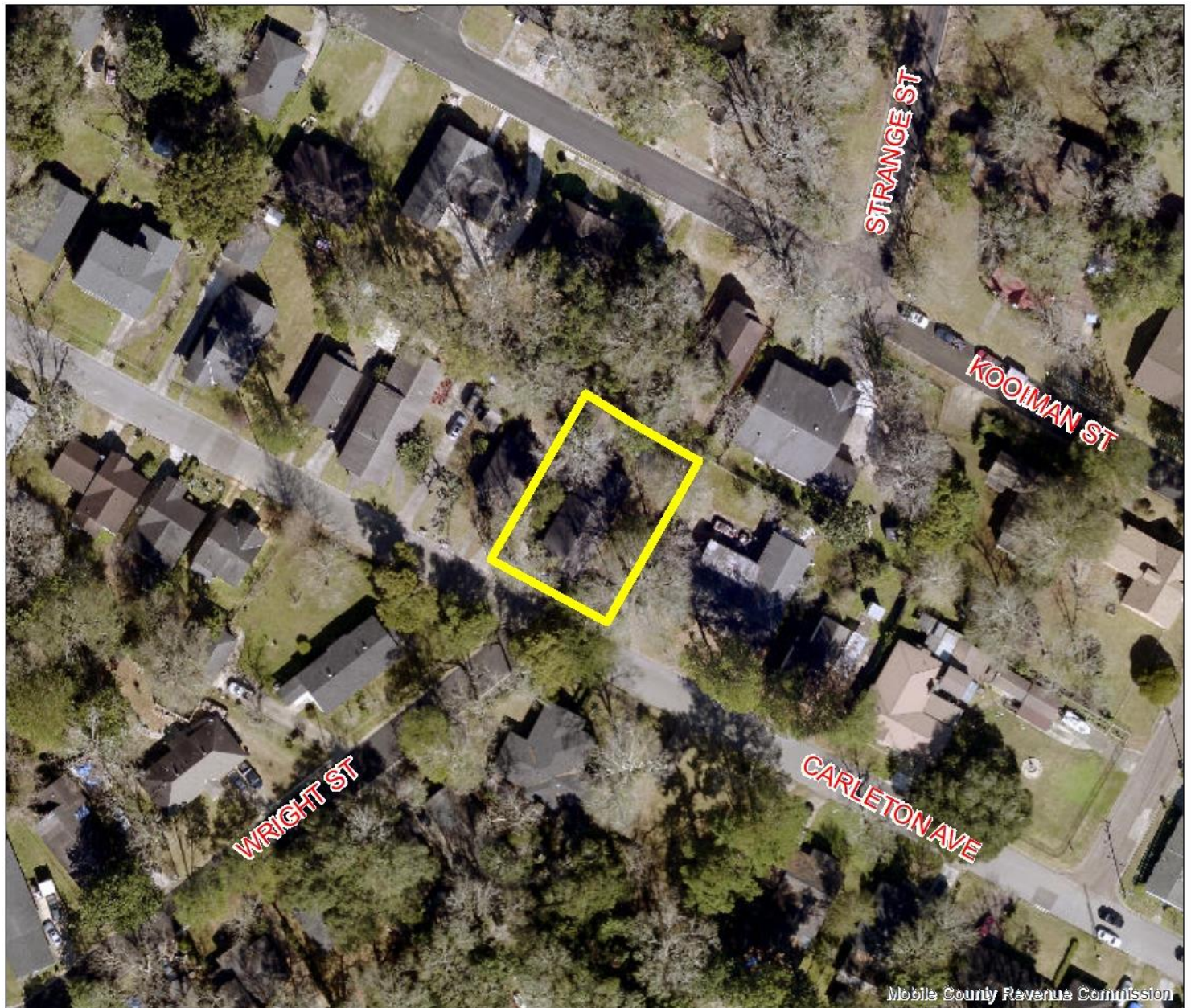
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

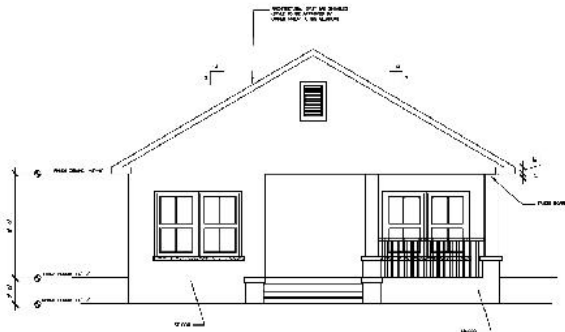


The site is surrounded by single family residential units.

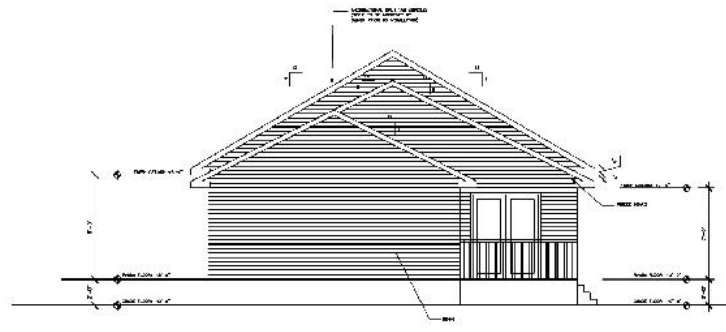
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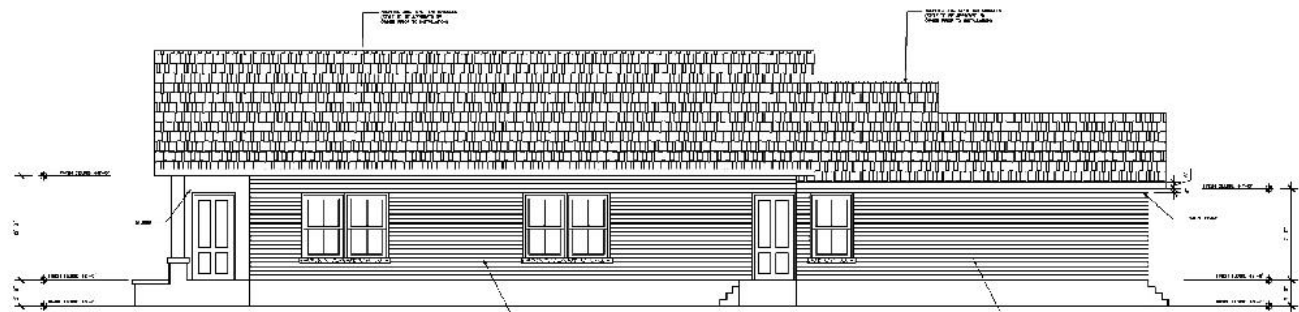
DETAIL SITE PLAN



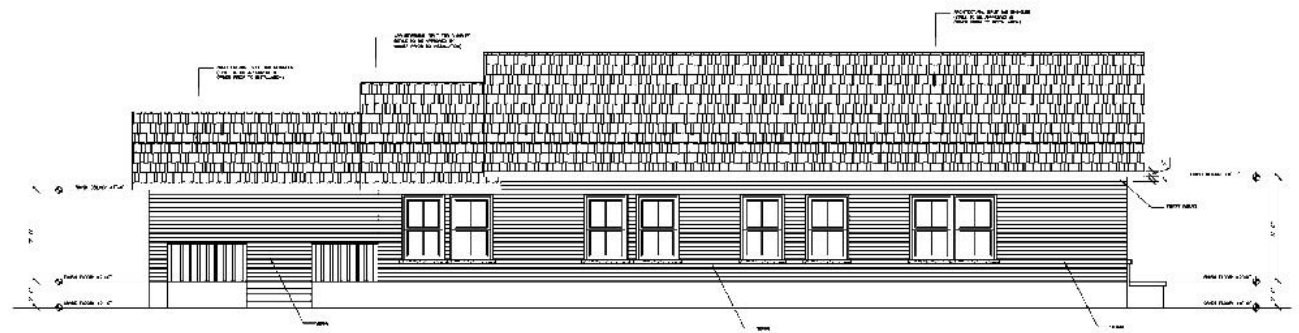
C1 ELEVATION
3/8" = 1'-0"



C2 ELEVATION
3/8" = 1'-0"



E1 ELEVATION
3/8" = 1'-0"



E2 ELEVATION
3/8" = 1'-0"

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