



Agenda Item # 4
BOA-002509-2023

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

6300 McKenna Drive

Applicant / Agent (as applicable):

Byrd Surveying

Property Owner:

Corpus Christi Parish Mobile

Current Zoning:

R-1, Single-Family Residential-Suburban

Future Land Use:

Institutional

Case Number(s):

6519

Unified Development Code Requirement:

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

Board Consideration:

- A Use Variance request to allow a commercial catering service at an existing church school in an R-1, Single-Family Residential-Suburban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER	6519	DATE	June 5, 2023
APPLICANT	Byrd Surveying		
REQUEST	Use Variance		



SITE HISTORY

The subject site has received numerous approvals for Planning Approval (PA), Planned Unit Development (PUD), Subdivision and Sidewalk Waiver in the past from the Planning Commission, all related to church and/or school expansions. 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.

Planning Comments:

The applicant is requesting a Use Variance to allow a commercial catering service at an existing church school in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) does not allow a commercial catering service in an R-1, Single-Family Residential Suburban District.

The applicant states that the church no longer uses the kitchen for church or school functions. The proposed business consists of one person that prepares meals for individuals and families, which are delivered to their homes. The onsite operations will take place on Friday afternoon, Saturday and Sunday; with deliveries on Monday. All application documentation and narrative are available via the link on page 1 of this report.

This application is similar to one which the Board considered in 2012 to allow a catering shop in an R-1 District at a vacant church school on Spring Hill Avenue. In that instance, as in the current proposal, no food pick-up was proposed on-site and all food prepared in the kitchen would be delivered off-site. The Board approved that variance request.

The site plan submitted indicates that the site would remain in its current configuration with no expansion of any facilities. No additional parking would be required for the proposed operation.

VARIANCE CONSIDERATIONS

Standards of Review:

Variances 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:

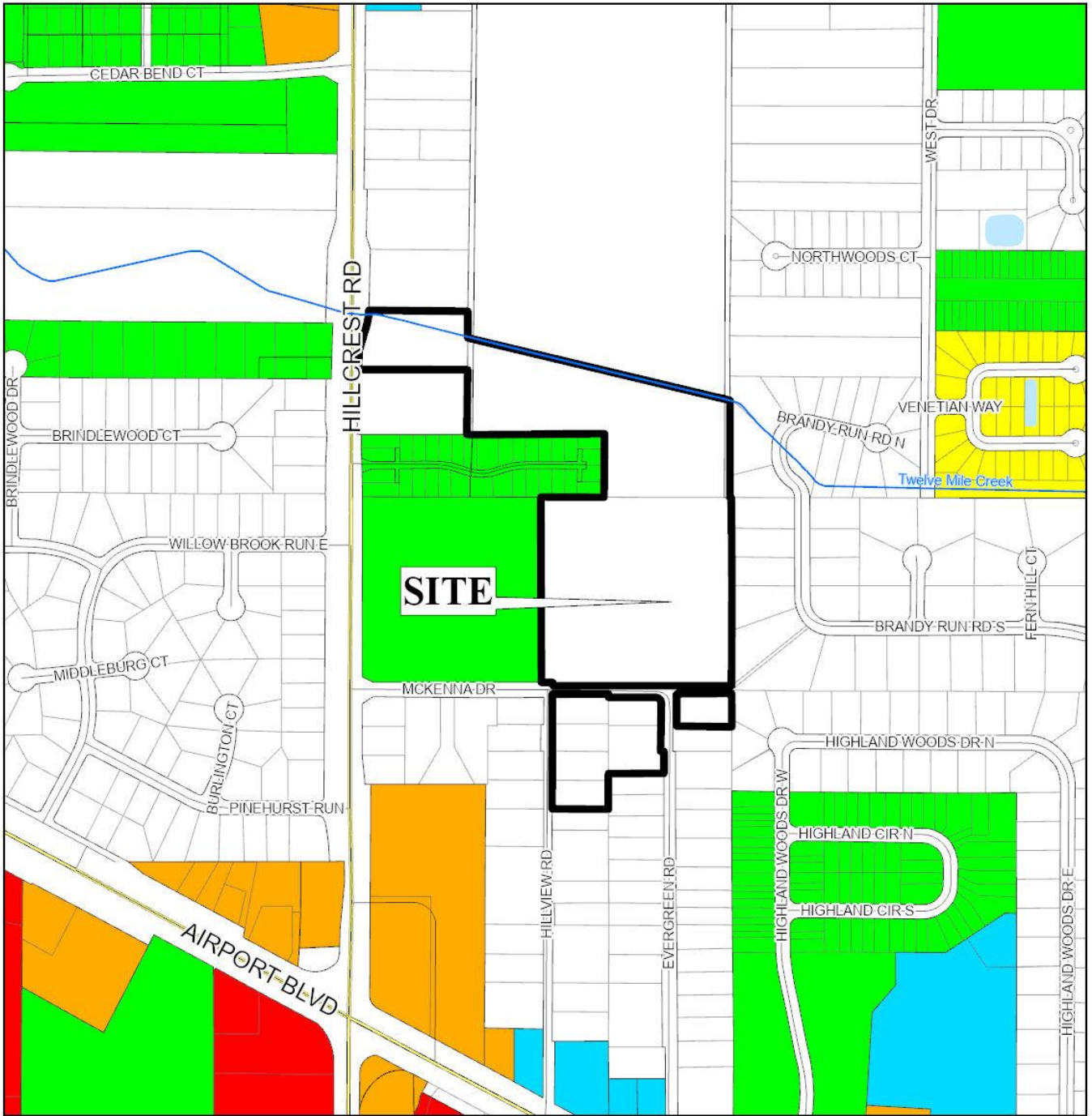
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

Based on the requested Variance application, the Board must consider the following findings of fact for **approval or denial** of the request:

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

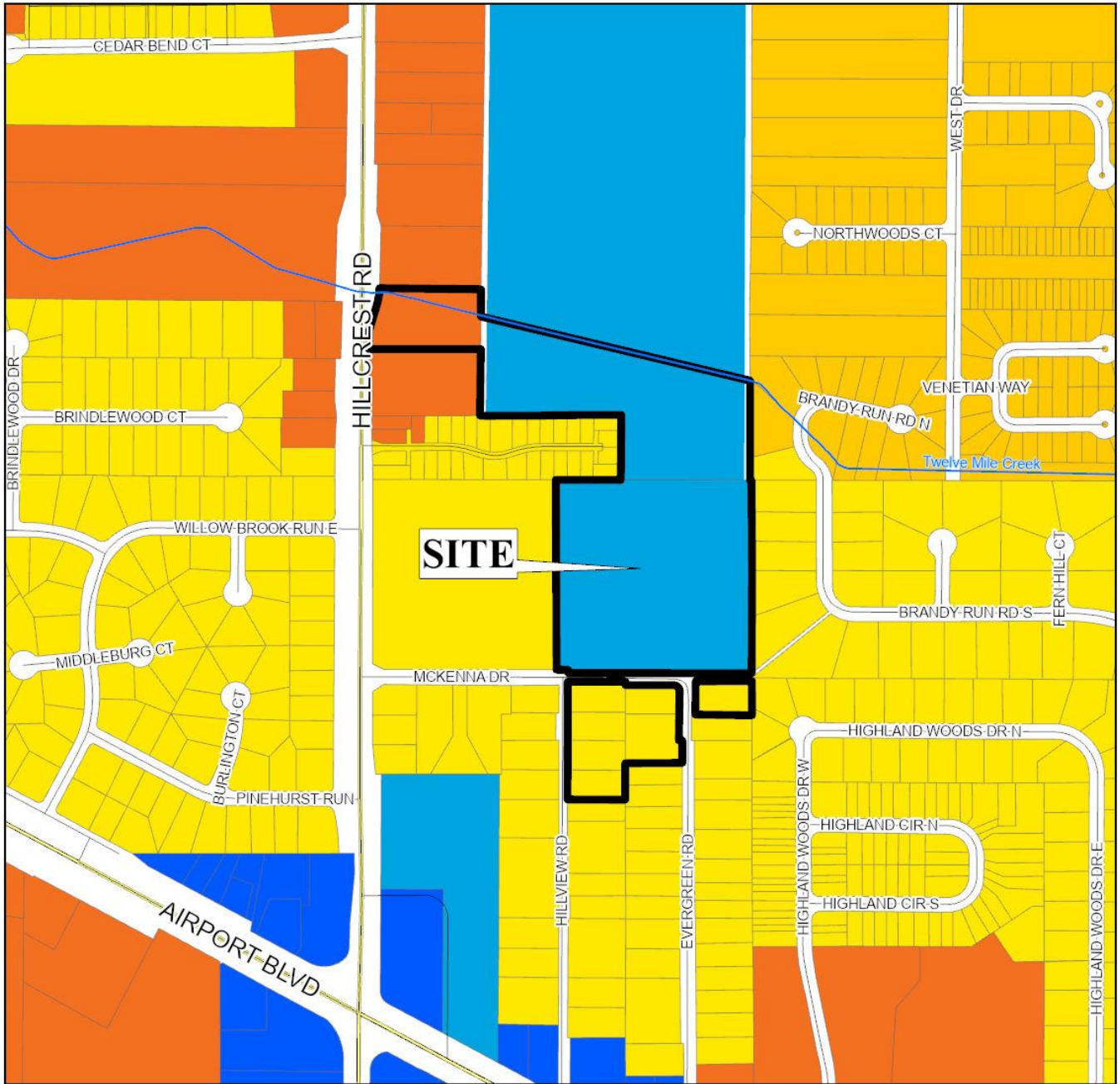
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



APPLICATION NUMBER 6519 DATE June 5, 2023

APPLICANT Byrd Surveying

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

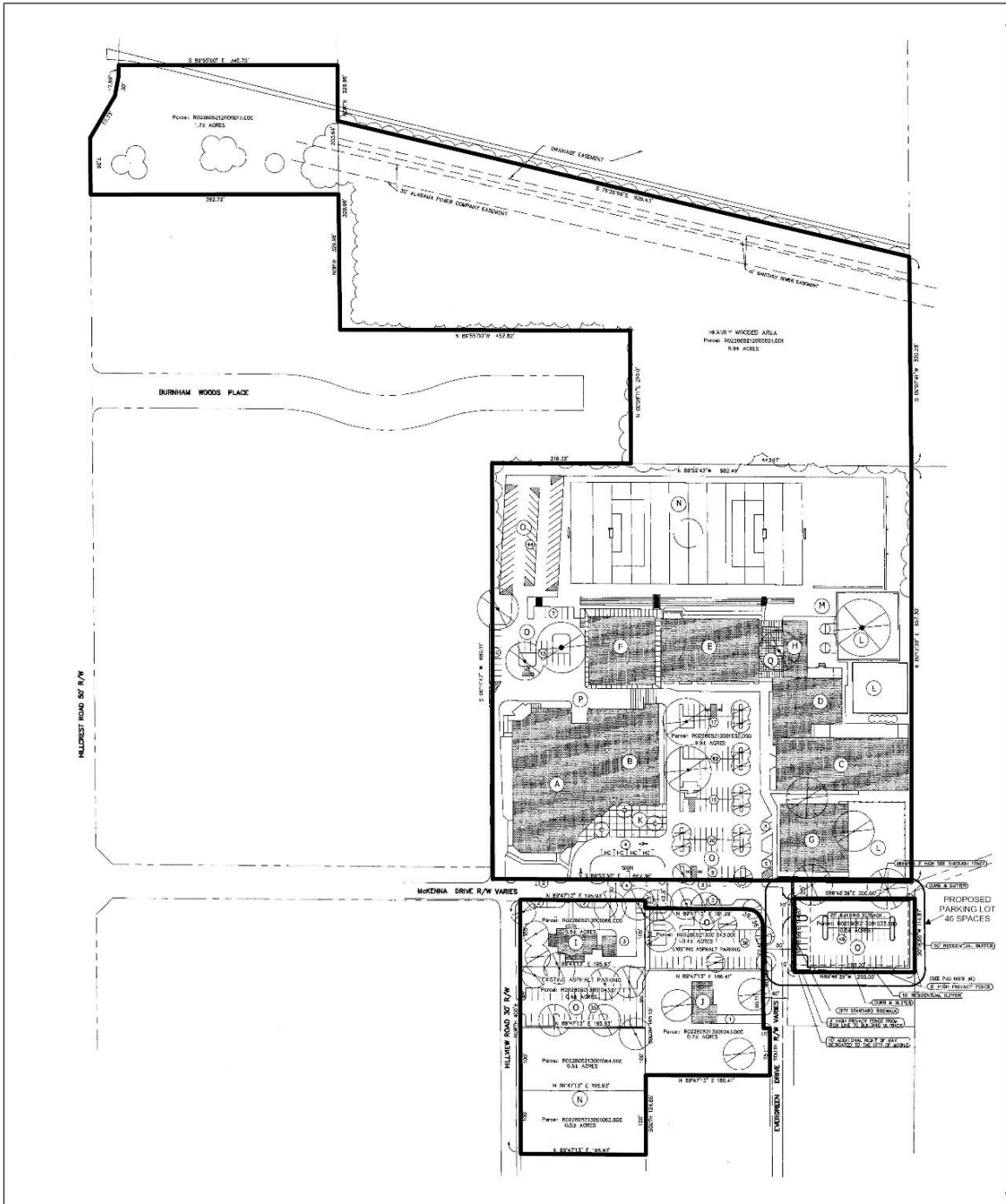
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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<div style="display: flex; flex-wrap: wrap; justify-content: space-between;"> <div style="width: 15%; text-align: center;"> R-A R-1 R-2 </div> <div style="width: 15%; text-align: center;"> R-3 R-B H-B </div> <div style="width: 15%; text-align: center;"> T-B B-1 LB-2 </div> <div style="width: 15%; text-align: center;"> B-2 B-3 B-4 </div> <div style="width: 15%; text-align: center;"> B-5 B-3 I-2 </div> <div style="width: 15%; text-align: center;"> MUN OPEN I-2 </div> <div style="width: 15%; text-align: center;"> SD-WH T3 T4 </div> <div style="width: 15%; text-align: center;"> T5.1 T5.2 T6 </div> </div>				

SITE PLAN



The site plan illustrates the existing buildings, existing parking, and proposed parking.

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