



Agenda Item # 4

BOA-002576-2023

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

331 Hadrian Street

Property Owner:

Valerie (Harris) White

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Low Density Residential

Case Number(s):

6532

Unified Development Code Requirement:

- Commercial food truck commissaries are not allowed in an R-1, Single-Family Residential Suburban District.
- Food trucks are not allowed to be parked in an R-1, Single-Family Residential Suburban District.

Board Consideration:

- To allow a commercial food truck commissary in an R-1, Single-Family Residential Suburban District
- To allow a food truck to be parked in an R-1, Single-Family Residential Suburban District

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Variance Considerations	4
Exhibits	6

SITE HISTORY

The subject site was part of a 17-lot Subdivision approved in 1955, and subsequently recorded in Probate Court.

The site has never been before the Board of Adjustment.

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 is not considered a change of occupancy. It is an accessory use that will require fire separation. Fire separation construction generates the need for plans and permitting. Building Code can provide additional guidance if needed.

Planning Comments:

The applicant is proposing to use a portion of a detached utility room as a commercial food truck commissary, and keep the associated food truck at an existing dwelling in an R-1, Single-Family Residential Suburban District.

The applicant states that the previous homeowner had a doctor's office in the residence, and therefore believe it is possible for the utility room to be used for a commissary. It should be noted that while there is no such history documented at the subject site, Article 4, Section 64-4-2.B. of the Unified Development Code (UDC) allows a doctor's office as a home occupation, subject to the following conditions:

1. No article shall be sold or offered for sale from the Dwelling unless it is produced inside of the Dwelling by the Dwelling occupants.
2. Home Occupations shall not occupy more than twenty-five (25) percent of the floor area of the Dwelling.

3. The services shall be performed by Persons occupying the home as their private Dwelling.
4. No additional Persons who do not live in the Dwelling shall be employed in the Home Occupation on the property.
5. No more than one (1) customer visit is allowed on the property at any time.
6. A commercial vehicle, limited to one standard sized car, van, or pickup, and one open or one enclosed trailer not to exceed twenty-six (26) feet in length, may be parked overnight on the property.
 - (a) The vehicle and the trailer may include advertising for the business.
 - (b) The vehicle and the trailer may be used for equipment storage.
7. No freestanding storage building or garage may be used in association with the Home Occupation.

The food truck commissary is proposed to be located in a detached utility room that the applicant states will be renovated to meet Health Code standards (in conflict with 64-4-2.B.7). No mention is made of if there will be outside employees coming to the residence. However, by virtue of locating in a detached utility room, the proposed commissary is in violation of #7 above.

Article 3, Section 64-3-12.A.1.(a)(1) prohibits parking of vehicles exceeding 15,000 pounds gross vehicle weight (GVW) in residential districts. While the applicant has not provided the specific GVW, food trucks generally weigh between 19,000-30,000 pounds GVW, thus exceeding the maximum allowed. Article 4, Section 64-4-2.B.6 (referenced above), would prohibit a food truck from being parked at the subject site overnight, as the vehicle is larger than a standard sized car, van, or pickup. The site plan submitted depicts the food truck will be stored on a portion of the site that is currently surfaced with grass.

The applicant's responses are available via the link on page 1; however, they do not address any unique hardship associated with the property, but rather how the commissary and food truck parking would be used in addition to the residential occupancy.

It should be noted that if approved, the proposed commissary 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:

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 it 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:

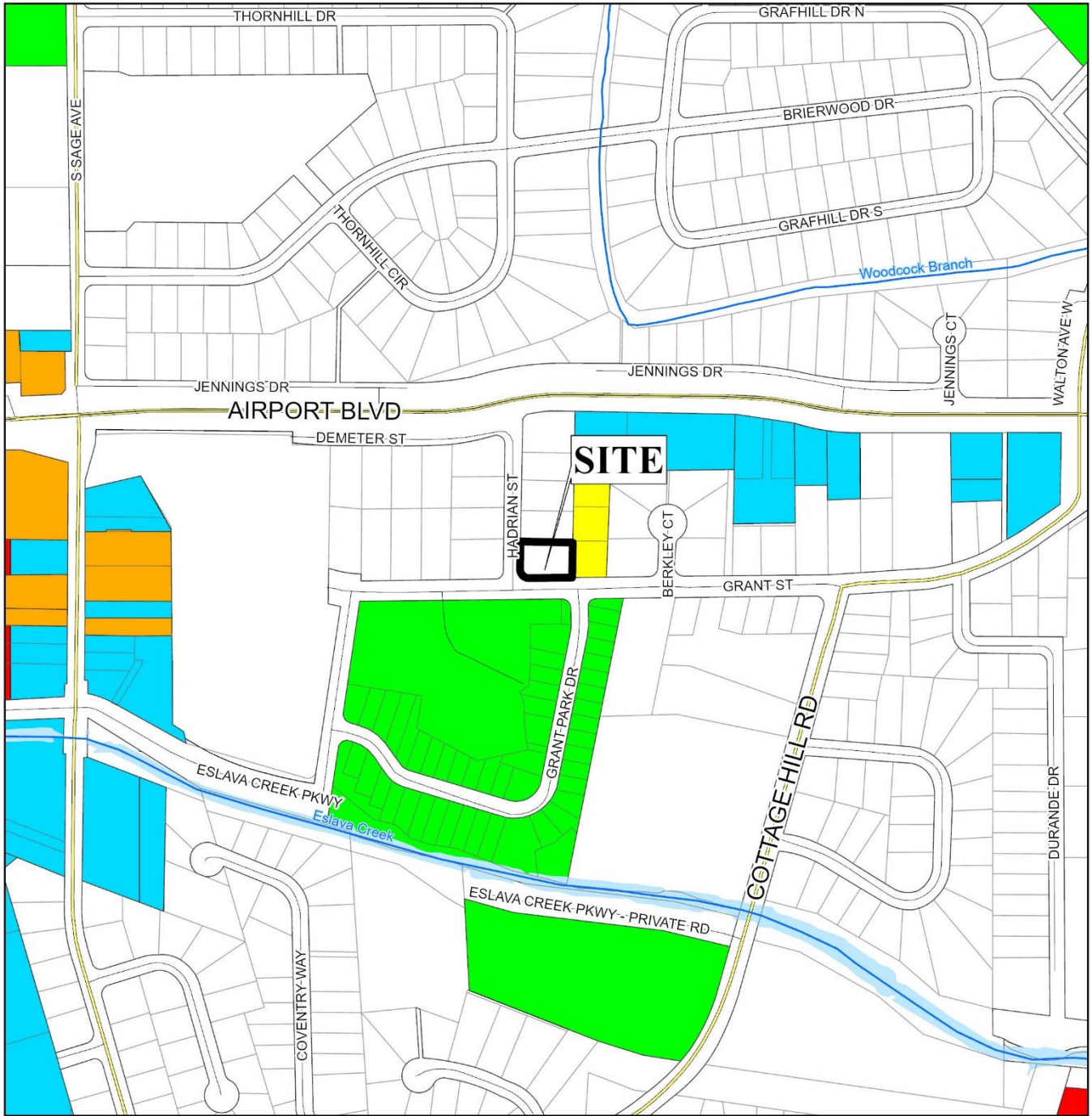
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

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.

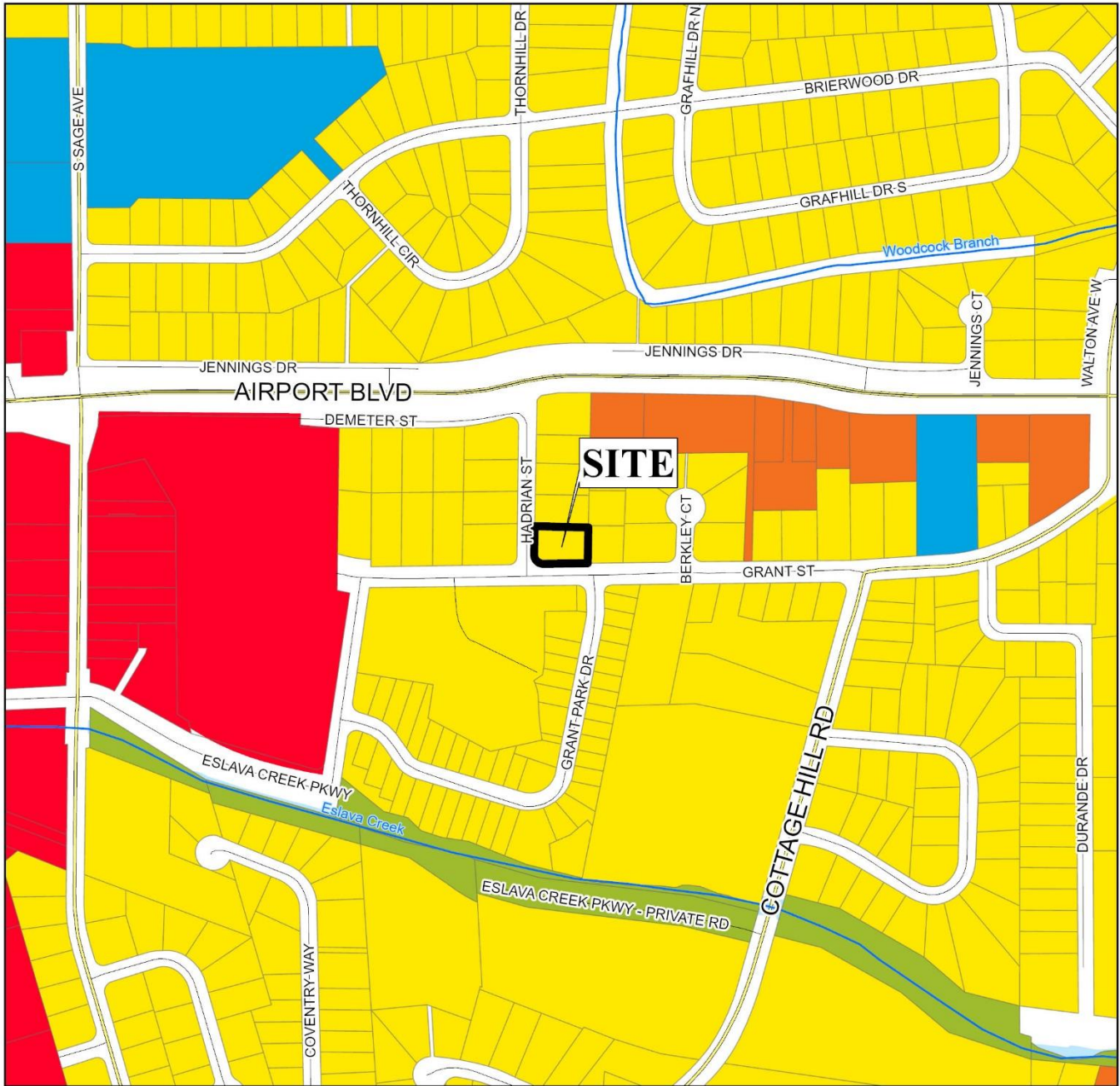
LOCATOR ZONING MAP



APPLICATION NUMBER	6532	DATE	August 7, 2023
APPLICANT	Valerie White		
REQUEST	Use Variance		



FLUM LOCATOR MAP



APPLICATION NUMBER 6532 DATE August 7, 2023

APPLICANT Valerie White

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 | |



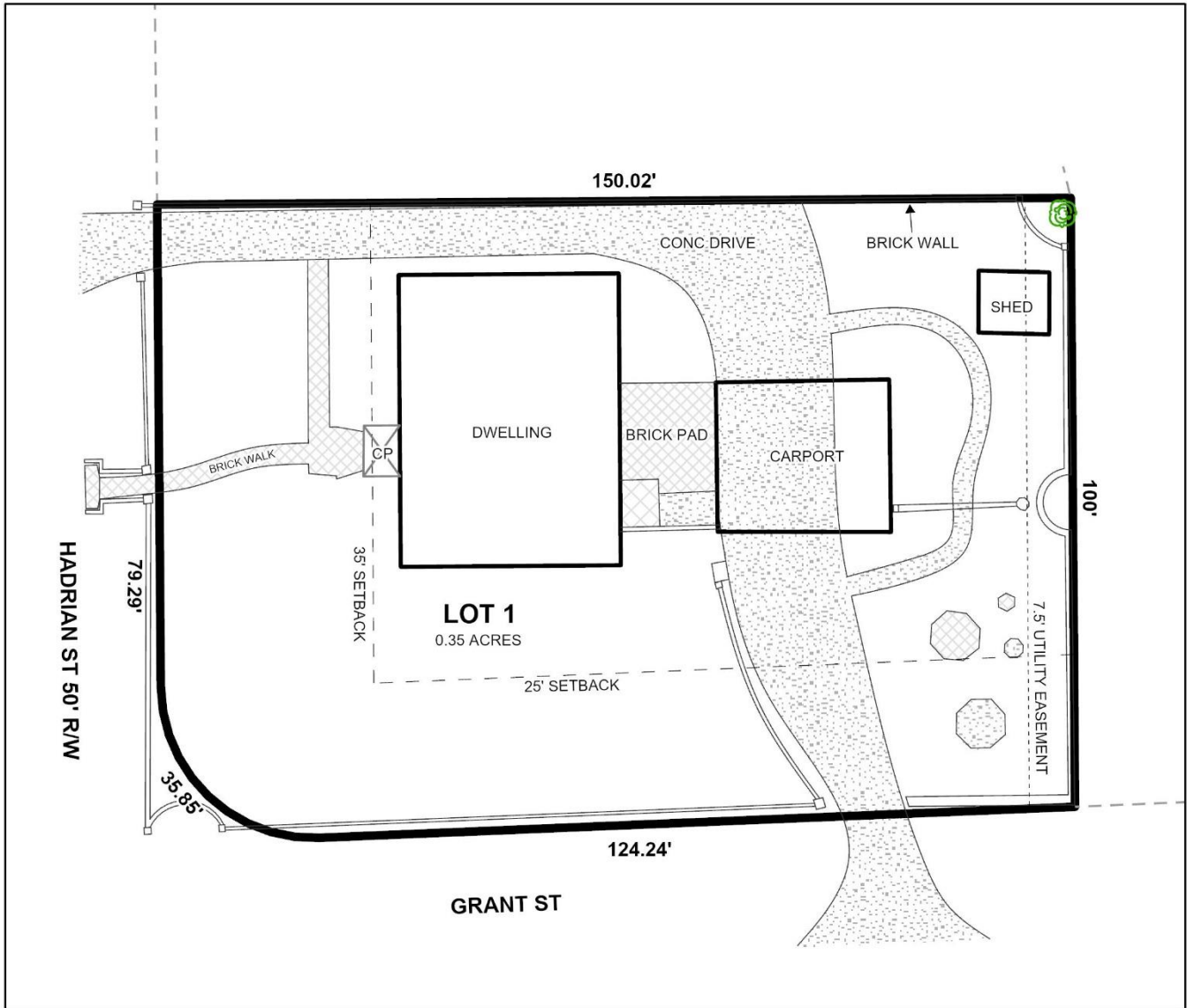
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

APPLICATION NUMBER	6532	DATE	August 7, 2023																														
APPLICANT	Valerie White																																
REQUEST	Use Variance																																
<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																									
<div style="text-align: center;"> <p>NTS</p> </div>																																	

SITE PLAN

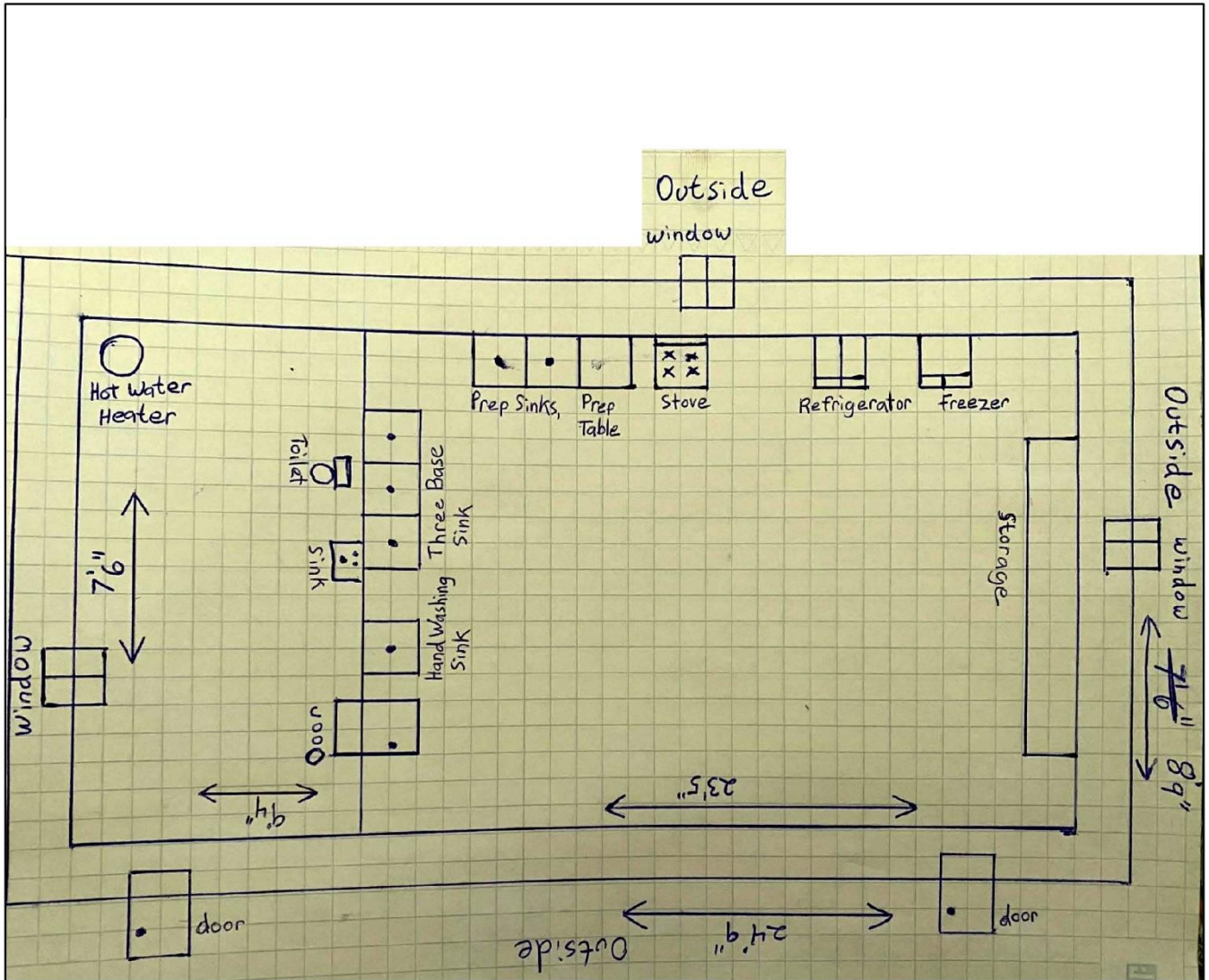


The site plan illustrates the existing dwelling, carport, shed, drive, setbacks, and easement.

APPLICATION NUMBER	6532	DATE	August 7, 2023
APPLICANT	Valerie White		
REQUEST	Use Variance		



DETAIL SITE PLAN



APPLICATION NUMBER	6532	DATE	August 7, 2023
APPLICANT	Valerie White		
REQUEST	Use Variance		



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 (WDWRLU)
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)



LOW DENSITY RESIDENTIAL (LDR)

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.